I hereby give notice that an ordinary meeting of the Waiheke Local Board will be held on:

**Date:** Thursday, 25 October 2018  
**Time:** 5.15pm  
**Meeting Room:** Local Board Office  
**Venue:** 10 Belgium Street  
Ostend  
Waiheke

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**Waiheke Local Board**  
**OPEN AGENDA**

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**MEMBERSHIP**

Chairperson: Cath Handley  
Deputy Chairperson: Paul Walden  
Members: Shirin Brown, John Meeuwsen, Bob Upchurch

(Quorum 3 members)

---

Safia Cockerell  
Democracy Advisor - Waiheke  

18 October 2018

Contact Telephone: 021 283 8212  
Email: safia.cockerell@aucklandcouncil.govt.nz  
Website: www.aucklandcouncil.govt.nz

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**Note:** The reports contained within this agenda are for consideration and should not be construed as Council policy unless and until adopted. Should Members require further information relating to any reports, please contact the relevant manager, Chairperson or Deputy Chairperson.
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<td>Notice of Motion - Shirin Brown - To support Aotea Great Barrier's submission against the dumping of toxic waste from a marina into the marine environment of the Hauraki Gulf</td>
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<td>23</td>
<td>List of resource consents</td>
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<td>24</td>
<td>Consideration of Extraordinary Items</td>
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**PUBLIC EXCLUDED**

| 25   | Procedural Motion to Exclude the Public |
| 26   | Sites and Places of Significance to Mana Whenua – Tranche 1: Plan Changes to the Auckland Unitary Plan (Operative in Part) and Auckland Council District Plan - Hauraki Gulf Islands Section 2018 |
Welcome

Kua uru mai a hau kaha, a hau maia, a hau ora, a hau nui,
Ki runga, ki raro, ki roto, ki waho
Rire, rire hau…pai marire

Translation (non-literal) - Rama Ormsby
Let the winds bring us inspiration from beyond,
Invigorate us with determination and courage to achieve our aspirations for abundance and sustainability
Bring the calm, bring all things good, bring peace….good peace.

Apologies

An apology from Deputy Chairperson P Walden has been received for leave of absence.

Declaration of Interest

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

Confirmation of Minutes

That the Waiheke Local Board:
a) confirm the ordinary minutes of its meeting, held on Thursday, 27 September 2018, as a true and correct record.

Leave of Absence

At the close of the agenda no requests for leave of absence had been received.

Acknowledgements

At the close of the agenda no requests for acknowledgements had been received.

Petitions

At the close of the agenda no requests to present petitions had been received.

Deputations

Standing Order 7.7 provides for deputations. Those applying for deputations are required to give seven working days notice of subject matter and applications are approved by the Chairperson of the Waiheke Local Board. This means that details relating to deputations can be included in the published agenda. Total speaking time per deputation is ten minutes or as resolved by the meeting.

At the close of the agenda no requests for deputations had been received.

Public Forum

A period of time (approximately 30 minutes) is set aside for members of the public to address the meeting on matters within its delegated authority. A maximum of 3 minutes per item is allowed, following which there may be questions from members.
9.1 Waiheke Rugby Club - James Petronelli and Brett Young

Te take mō te pūrongo / Purpose of the report
1. James Petronelli, Chairperson of the Waiheke Rugby Club, and Brett Young will be in attendance to highlight the recent Wallabies tour.

Ngā tūtohunga / Recommendation
That the Waiheke Local Board:
   a) thank James Petronelli and Brett Young for their attendance and presentation.

10 Extraordinary Business

Section 46A(7) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

"An item that is not on the agenda for a meeting may be dealt with at that meeting if-

(a) The local authority by resolution so decides; and
(b) The presiding member explains at the meeting, at a time when it is open to the public,-
   (i) The reason why the item is not on the agenda; and
   (ii) The reason why the discussion of the item cannot be delayed until a subsequent meeting."

Section 46A(7A) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

"Where an item is not on the agenda for a meeting,-

(a) That item may be discussed at that meeting if-
   (i) That item is a minor matter relating to the general business of the local authority; and
   (ii) the presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but
(b) no resolution, decision or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion."

11 Notices of Motion

Under Standing Order 3.11.1 a Notice of Motion has been received from Member S Brown for consideration under item 17.
Councillor's update

File No.: CP2018/18141

Te take mō te pūrongo / Purpose of the report
1. Providing Councillor Mike Lee with an opportunity to update the Waiheke Local Board on Governing Body issues.

Ngā tūtohunga / Recommendation
That the Waiheke Local Board:

a) note the verbal update from the Waitemata and Gulf Ward Councillor, Mike Lee.

Ngā tāpirihanga / Attachments
There are no attachments for this report.

Ngā kaihaina / Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Safia Cockerell - Democracy Advisor - Waiheke</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorisers</td>
<td>Louise Mason - GM Local Board Services</td>
</tr>
<tr>
<td></td>
<td>Helgard Wagener - Relshp Mgr - Great Barrier and Waiheke</td>
</tr>
</tbody>
</table>
Te take mō te pūrongo / Purpose of the report

1. To fund, part-fund or decline applications received for Waiheke Local Board Quick Response Round One 2018/2019.

Whakarāpopototanga matua / Executive summary

2. This report presents applications received in Waiheke Local Board Quick Response Round One 2018/2019 (refer to Attachment B).


4. The Waiheke Local Board has set a total community grants budget of $50,000.00 for the 2018/2019 financial year.

5. A total of $18,330.00 has been allocated for one local grant round. This leaves a total of $31,670.00 to be allocated for 2018/2019.

6. Nineteen applications were received for Waiheke Local Board Quick Response Round One 2018/2019, requesting a total of $55,526.00.

Ngā tūtohunga / Recommendations

That the Waiheke Local Board

a) agree to fund, part-fund or decline each application in Waiheke Quick Response Round One 2018/2019, listed in table one below.

Table one Waiheke Quick Response Round One 2018/2019 grant applications

<table>
<thead>
<tr>
<th>Application ID</th>
<th>Organisation</th>
<th>Requesting funding for</th>
<th>Amount requested</th>
</tr>
</thead>
</table>
| QR1918-101    | Waiheke Spiritual Cinema Circle  
Waiheke Community Cinema Trust | Towards hire costs of the Waiheke Community Cinema. | $1,050.00 |
| QR1918-102    | Waiheke Community Art Gallery Incorporated | Towards 2019 Treaty of Waitangi commemoration exhibition costs. | $4,000.00 |
| QR1918-103    | Waiheke Mustangs Softball Club  
Waiheke Sports Club Incorporated | Towards the establishment of the Waiheke Mustangs Softball Club. | $3,781.00 |
<table>
<thead>
<tr>
<th>Application ID</th>
<th>Organisation</th>
<th>Requesting funding for</th>
<th>Amount requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>QR1918-104</td>
<td>Linda Savage</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><em>The Artworks Theatre Incorporated</em></td>
<td>Towards “It's a wonderful life” theatre project costs.</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>QR1918-105</td>
<td>Waiheke High School</td>
<td>Towards the registration fee of 30 participants to complete the Duke of Edinburgh Bronze Hillary Award.</td>
<td>$2,587.00</td>
</tr>
<tr>
<td>QR1918-106</td>
<td>Waiheke Playgroup Incorporated</td>
<td>Towards the Waiheke Playgroup venue hire costs in 2019.</td>
<td>$3,996.00</td>
</tr>
<tr>
<td>QR1918-108</td>
<td>The Waiheke Island Society for the Care of Animals Incorporated</td>
<td>Towards “operation thank you” costs for volunteers.</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>QR1918-109</td>
<td>Gudrun Court under the umbrella of Community Networks Waiheke Incorporated</td>
<td>Towards costs related to The Third Space Project.</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>QR1918-112</td>
<td>Waiheke Island Toy Library Incorporated</td>
<td>Towards the costs of safety equipment and outdoor toys.</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>QR1918-113</td>
<td>Waiheke Adult Literacy Incorporated</td>
<td>Towards driving lessons costs.</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>QR1918-114</td>
<td>Waiheke Youth Music Trust</td>
<td>Towards the costs of the youth musical events on Waiheke Island.</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>QR1918-116</td>
<td>Angela Means</td>
<td>Towards “Music Heads” events costs.</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>QR1918-117</td>
<td>Waiheke Bowling Club Incorporated</td>
<td>Towards the purchase of bowling sets for the club.</td>
<td>$1,650.00</td>
</tr>
<tr>
<td>QR1918-118</td>
<td>New Zealand Association For Environmental Education Incorporated</td>
<td>Towards the “Seaweek Rotoroa Island” day for the snorkel and kayak costs.</td>
<td>$1,856.00</td>
</tr>
<tr>
<td>QR1918-119</td>
<td>Youthline Auckland Charitable Trust</td>
<td>Towards costs of facilitating the “Personal Development Programme” for Waiheke High School students.</td>
<td>$3,776.00</td>
</tr>
<tr>
<td>QR1918-120</td>
<td>Waiheke Community Childcare Centre Incorporated</td>
<td>Towards the purchase of a heat pump for the Waiheke Community Childcare Centre.</td>
<td>$4,000.00</td>
</tr>
</tbody>
</table>
## Horopaki / Context

1. The local board allocates grants to groups and organisations delivering projects, activities and services that benefit Aucklanders and contribute to the vision of being a world class city.

2. The Auckland Council Community Grants Policy supports each local board to adopt a grants programme. Waiheke Local Board adopted their grants programme for 2018/2019 on 26 April 2018 and will operate three quick response and two local grants rounds for this financial year.

3. The local board grants programme sets out:
   - local board priorities;
   - lower priorities for funding;
   - exclusions;
   - grant types, the number of grant rounds and when these will open and close; and
   - any additional accountability requirements.

4. The community grant programmes have been extensively advertised through the council grants webpage, local board webpages, local board e-newsletters, Facebook pages, council publications, radio, and community networks.

## Tātaritanga me ngā tohutohu / Analysis and advice

11. The aim of the local board grant programme is to deliver projects and activities which align with the outcomes identified in the local board plan. All applications have been assessed utilising the Community Grants Policy and the local board grant programme criteria. The eligibility of each application is identified in the report recommendations.

## Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe / Local impacts and local board views

12. Local boards are responsible for the decision-making and allocation of local board community grants. The Waiheke Local Board is required to fund, part-fund or decline these grant applications against the local board priorities identified in the local board grant programme.

13. The board is requested to note that section 48 of the Community Grants Policy states “We will also provide feedback to unsuccessful grant applicants about why they have been declined, so they will know what they can do to increase their chances of success next time”.

### Application ID | Organisation | Requesting funding for | Amount requested |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>QR1918-121</td>
<td>Matiatia - Oneroa Ratepayers and Residents Association Incorporated</td>
<td>Towards maintenance costs for the interior and exterior of the Morra Hall.</td>
<td>$800.00</td>
</tr>
<tr>
<td>QR1918-122</td>
<td>Clean Island Limited</td>
<td>Towards the purchase of an excavator thumb.</td>
<td>$2,030.00</td>
</tr>
<tr>
<td>QR1918-123</td>
<td>Waiheke Musical Museum Charitable Trust</td>
<td>Towards maintenance of the instruments at the museum.</td>
<td>$500.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td><strong>$55,526.00</strong></td>
</tr>
</tbody>
</table>
14. A summary of each application received through Waiheke Quick Response, Round One 2018/2019 is provided (refer to Attachment B).

**Tauākī whakaaweawe Māori / Māori impact statement**

15. The local board grants programme aims to respond to the council’s commitment to improving Māori wellbeing by providing grants to individuals and groups who deliver positive outcomes for Māori. Auckland Council’s Māori Responsiveness Unit has provided input and support towards the development of the community grant processes. Four organisations applying in this round have indicated that their project targets Māori or Māori outcomes.

**Ngā ritenga ā-pūtea / Financial implications**

16. The allocation of grants to community groups or individuals is within the adopted Long-Term Plan 2018-2028 and local board agreements.

17. The Waiheke Local Board has set a total community grants budget of $50,000.00 for the 2018/2019 financial year.

18. A total of $18,330.00 has been allocated for one local grant round. This leaves a total of $31,670.00 to be allocated for 2018/2019.

19. Nineteen applications were received for Waiheke Local Board Quick Response Round One 2018/2019, requesting a total of $55,526.00.

**Ngā raru tūpono / Risks**

20. The allocation of grants occurs within the guidelines and criteria of the Community Grants Policy and the local board grants programme. The assessment process has identified a low risk associated with funding the applications in this round.

**Ngā koringa ā-muri / Next steps**

21. Following the Waiheke Local Board allocating funding for round one quick response, Commercial and Finance staff will notify the applicants of the local board’s decision.

**Ngā tāpirihanga / Attachments**

<table>
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<th>No.</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
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<tr>
<td>A</td>
<td>Waiheke Local Board Community Grants Programme 2018/2019</td>
<td>13</td>
</tr>
<tr>
<td>B</td>
<td>Waiheke Quick Response Round One 2018/2019 grant applications (Under Separate Cover)</td>
<td></td>
</tr>
</tbody>
</table>

**Ngā kaihaina / Signatories**

<table>
<thead>
<tr>
<th>Author</th>
<th>Agus Castro Pons - Grants Advisor</th>
</tr>
</thead>
</table>
| Authorisers             | Marion Davies - Grant Operations Manager  
                         | Shane King - Head of Operations Support  
                         | Helgard Wagener - Relshp Mgr - Great Barrier and Waiheke    |
Waiheke Local Board – Local Grants Programme 2018/2019

Our Local Grants Programme aims to provide contestable and discretionary community grants to local communities.

Outcomes sought from the local grants programme

The Waiheke Local Board recognises the vital role that community groups and organisations play in developing diverse, strong, inclusive, connected and sustainable communities.

Our grants programme will be targeted towards supporting the priorities in our Local Board Plan – such as environmental, cultural, arts, community development, recreational and heritage initiatives, and supporting our youth.

We aim to assist groups to provide activities, projects, programmes, initiatives, and events that make a positive contribution within our local board area.

Our priorities for grants

The Waiheke Local Board welcomes grant applications that align with the following local board plan priorities:

- young people – supporting youth-centred initiatives that build engagement, resiliency and transitions to adulthood
- community elders – meeting the needs of the ageing population
- the environment – restoring and protecting our natural environment
- culture and arts – creating a sense of identity and cohesion that reflects the island’s identity
- social cohesion – ensuring a resilient and connected community
- recreation and sport – helping our communities lead active and healthy lifestyles
- heritage – protection and conservation.

Higher Priorities

- collaboration with other community organisations
- gaining other sources of funding for a project or event, from businesses or community
- local procurement

Lower Priorities

We will also consider applications for other services, projects, events and activities. However, these may be considered a lower priority.

The Waiheke Local Board has identified the following activities as lower priorities:

- commercial entities and promotion of commercial entities
- ticketed events
- activities that primarily benefit communities outside the Waiheke Local Board area
• activities that primarily benefit a third party (e.g. activity to gain money for an organisation)
• grants to support that purchase of or maintenance associated with motor vehicles
• wages or operational costs
• individuals with projects on private land
• individuals applying without nominating a umbrella organisation

In addition to the **eligibility criteria** outlined the Community Grants Policy, the Waiheke Local Board will not fund:
- Exclusion One: Alcohol
- Exclusion Two: Applications for Liquor licenses

**Criteria for Local and Quick Response Grants**

Grants applications need to meet the following criteria:

• the project is working towards zero waste
• has a level of interaction with local business
• includes support for local procurement
• promotes Waiheke as a destination
• brings together community groups
• collaborating with other events/working in conjunction with other groups
• supports community-led activities using local facilities
• captures a wide demographic and encourages intergenerational diversity
• accessible to the community and/or schools (e.g. early bird specials)
• delivery of a smoke-free programme
• encourages active transport
• collaborates with mana whenua and mataawaka

**Investment approach**

The Waiheke Local Board has allocated budgets to support the local grants programme as follows:

• **Quick Response Grants:**
  - minimum amount per grant: $500
  - maximum amount per grant: $4000

• **Local Grants:**
  - minimum: $4,000
  - maximum $10,000
Application dates

Grant rounds for 2018/2019 will be as follows:

Quick Response Grants

<table>
<thead>
<tr>
<th>Round</th>
<th>Opens</th>
<th>Closes</th>
<th>Decision made</th>
<th>Projects to occur after</th>
</tr>
</thead>
<tbody>
<tr>
<td>One</td>
<td>3 September 2018</td>
<td>26 September 2018</td>
<td>25 October 2018</td>
<td>1 November 2018</td>
</tr>
<tr>
<td>Two</td>
<td>8 October 2018</td>
<td>2 November 2018</td>
<td>13 December 2018</td>
<td>17 December 2018</td>
</tr>
<tr>
<td>Three</td>
<td>29 April 2019</td>
<td>24 May 2019</td>
<td>27 June 2019</td>
<td>1 July 2019</td>
</tr>
</tbody>
</table>

Local Grants

<table>
<thead>
<tr>
<th>Round</th>
<th>Opens</th>
<th>Closes</th>
<th>Decision made</th>
<th>Projects to occur after</th>
</tr>
</thead>
<tbody>
<tr>
<td>One</td>
<td>25 June 2018</td>
<td>3 August 2018</td>
<td>27 September 2018</td>
<td>1 October 2018</td>
</tr>
</tbody>
</table>

Multiboard grants

<table>
<thead>
<tr>
<th>Round</th>
<th>Opens</th>
<th>Closes</th>
<th>Decision made</th>
<th>Projects to occur after</th>
</tr>
</thead>
<tbody>
<tr>
<td>One</td>
<td>16 June 2018</td>
<td>17 August 2018</td>
<td>27 September 2018</td>
<td>1 October 2018</td>
</tr>
<tr>
<td>Two</td>
<td>21 January 2019</td>
<td>22 March 2019</td>
<td>23 May 2019</td>
<td>1 June 2019</td>
</tr>
</tbody>
</table>

Accountability measures

The Waiheke Local Board requires that all successful applicants provide:

- Accountability measure one: Accountability forms must be completed and submitted by the due date, proving that grants have been used for the right purpose.
- Accountability measure two: Any grant money that is unspent and not used for the project must be returned to Council.
- Accountability measure three: Recognition of the Waiheke Local Board’s support of your initiative.
- Accountability measure four: An invitation to the funded project, programme, activity or event should be extended to the members of the board, where appropriate.
Piritahi Marae Trust funding 2018/2019

File No.: CP2018/19839

Te take mō te pūrongo / Purpose of the report
1. To approve the allocation of funding from the Waiheke Local Board 2018/2019 work programme line 808 - Māori Responsiveness, to the Piritahi Marae Trust.

Whakarāpopototanga matua / Executive summary
2. The local board has $15,000 available budget allocated to work programme line 808 - Māori Responsiveness, to respond to Māori aspirations and priorities in the local area.
3. Piritahi Marae is located at 53 Tahatai Road and is the only marae on Waiheke Island. It is governed by the Piritahi Marae Trust and is run entirely by volunteers.
4. The marae plays a significant role in the community, hosting hui and noho marae and supporting health and education outcomes for the community.
5. The local board met with the Piritahi Marae Trust on 16 August 2018 to discuss the marae’s aspirations, strategic priorities and how the local board could effectively respond.
6. Piritahi Marae identified two priority projects:
   • increasing capability to cater for manuhiri through the installation of two gas califonts to provide instant boiling water for cooking and hot drinks
   • delivering the annual Waitangi Day community event on 6 February 2019.
7. Staff recommend allocating $10,000 from the Māori Responsiveness work programme line 808, to the Piritahi Marae Trust towards the costs of the marae’s priority projects.
8. Contributing to the marae’s proposed projects aligns with the following Waiheke Local Board Plan 2017 initiative: “support Piritahi Marae to further develop as a local community centre and community agency”.

Te tūtohunga / Recommendation
That the Waiheke Local Board:
a) approve the allocation of $10,000 from the Waiheke Local Board 2018/2019 work programme line 808 - Māori Responsiveness, to the Piritahi Marae Trust.

Horopaki / Context
9. Piritahi Marae is located at 53 Tahatai Road and is the only marae on Waiheke Island. It is a community marae, welcoming people of all iwi and cultural backgrounds. It is governed by the Piritahi Marae Trust and is run entirely by volunteers.
10. The marae plays a significant role in the community, hosting hui and noho marae and supporting health and education outcomes for the community.
11. The Waiheke Local Board Plan 2017 includes the following initiative: “support Piritahi Marae to further develop as a local community centre and community agency”.
12. The local board met with the Piritahi Marae Trust on 16 August 2018, to discuss the marae’s aspirations, strategic priorities and how the local board could effectively respond.
Tātaritanga me ngā tohutohu / Analysis and advice

13. The Piritahi marae plays a significant role in supporting the Waiheke community and one of the key outcomes for the Piritahi Marae Trust is to create unity and whakamana (uplift) the community.

14. The Piritahi Marae Trust proposes to install two gas califont instant water heaters at the marae. One will be installed externally to service the kitchen and bathroom and the other will be installed internally in the whare kai to provide instant boiling water for tea and coffee.

15. The califonts will increase the marae’s capacity for hosting guests. The marae’s current facilities are not adequate to support the number of people attending hui and gatherings at the marae.

16. Piritahi Marae holds an annual Waitangi Day celebration on 6 February and has had up to 1500 people attend in previous years.

17. The local board has $15,000 available budget allocated to work programme line 808 - Māori Responsiveness, to respond to Māori aspirations and priorities in the local area.

18. Staff recommend allocating $10,000 of this budget to the Piritahi Marae Trust, distributed between the following two priority projects for the marae:
   - $7,000 towards increasing capability to cater for manuhiri through the installation of two gas califonts to provide instant boiling water for cooking and hot drinks
   - $3,000 towards delivering the annual Waitangi Day community event on 6 February 2019.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe / Local impacts and local board views

19. The Waiheke Local Board Plan 2017 outcome 5 is: “vibrant places for people”. The plan includes the objective of “celebrating and sustaining Māori cultural identity, knowledge and practice” with a key initiative to “support Piritahi Marae to further develop as a local community centre and community agency”.

20. Supporting the Piritahi Marae Trust’s identified priorities helps to meet outcome 5 by taking an empowered communities approach to supporting Māori-led priorities and initiatives at the Piritahi marae.

Tauākī whakaaweawe Māori / Māori impact statement

21. The projects outlined in this report were identified as priorities by Piritahi Marae. They are led by local Māori with the goal of enhancing Māori identity and cultural values. The projects align with the board’s commitment to supporting Māori aspirations and initiatives.

Ngā ritenga ā-pūtea / Financial implications

22. The total cost of installing the two califonts is estimated to be $11,080 and $4,700 for delivering the Waitangi Day event. The Piritahi Marae Trust will fund the remaining amounts after the local board’s contributions.

Ngā raru tūpono / Risks

23. The marae may not be able to secure the balance of funds required to complete the projects. The marae is in the process of applying for other funding and community sponsorship to support both projects.

Ngā koringa ā-muri / Next steps

24. Following approval from the local board, staff will prepare a funding agreement for the Piritahi Marae Trust.
Ngā tāpirihanga / Attachments
There are no attachments for this report.

Ngā kaihaina / Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Fiona Gregory - Strategic Broker</th>
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<tr>
<td>Authorisers</td>
<td>Graham Bodman - General Manager Arts, Community and Events</td>
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<td></td>
<td>Helgard Wagener - Relshp Mgr - Great Barrier and Waiheke</td>
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Establishment of a transport forum

File No.: CP2018/19864

Te take mō te pūrongo / Purpose of the report

1. To establish a transport forum on Waiheke Island which will provide community input on transport matters to the Waiheke Local Board.

Whakarāpopototanga matua / Executive summary

2. The Waiheke Local Board wishes to establish a quarterly transport forum to enable the community to give meaningful input concerning transport matters on Waiheke Island.

3. The forum will comprise an Auckland Transport representative, up to seven community representatives and two members of the board including the chair.

4. The first meeting is proposed for Thursday 15 November 2018 at 5pm at the Waiheke Local Board office, with the agenda closing on Friday 5 November 2018. Applications for community representatives on the forum have been publicly advertised and closed on Friday 19 October 2018 at 5pm.

5. The forum will be an advisory body, with the power to make recommendations to the local board and no budgetary allocation.

Ngā tūtohunga / Recommendations

That the Waiheke Local Board:

a) approve the establishment of the Waiheke Transport Forum as a sub-committee of the Waiheke Local Board.

b) approve the proposed terms of reference of the transport forum (Attachment A).

c) agree to the late submission of the recommendations of the first meeting of the transport forum at the November business meeting of the Waiheke Local Board.

Horopaki/Context

6. The request to establish a transport forum was made at the public forum of the Waiheke Local Board business meeting in August 2017. Reference was made to a defunct transport forum on Waiheke that was wound up in 2013 which met on a monthly basis to discuss better roading solutions.

7. The transport forum enables community members to make proposals to the local board on transport-related issues that affect them. The forum recognises local expertise and empowers community members to contribute to solutions to local problems. The forum also contributes to community “ownership” of the transport network.

Tātaritanga me ngā tohutohu / Analysis and advice

8. After discussion with Auckland Transport, the local board supports the establishment of a new transport forum which will meet on a quarterly basis. The first meeting is scheduled for 15 November 2018 at 5pm to take place at the Waiheke Local Board Office.

9. The purpose of the forum will be to:

   • consider presentations on transport issues and propose transport-related projects on Waiheke
• provide input into a ten year transport plan
• provide community input on design and planning of roads, cycle-ways and footpaths
• advise on community engagement on local transport projects.

10. The forum will be constituted as a sub-committee under Auckland Council Standing Orders for the Waiheke Local Board 2017, section 2.7. The sub-committee will make recommendations to the Waiheke Local Board for its consideration. The forum will be made up of a co-opted Auckland Transport representative, up to seven co-opted community representatives, and two members of the local board, one of whom will be the chair. A mana whenua representative and subject matter experts, including Auckland Council Healthy Waters staff, will be co-opted on an as-needed basis.

11. Members of the community will be invited to submit proposals to the transport forum by an agenda closing date, approximately two weeks before the meeting. Presentations of up to 15 minutes will be made to forum members followed by discussion time.

12. The transport forum will utilise the meeting procedures used for board workshops and will decide on the details of the procedures at its first meeting.

13. A first meeting has been set for 15 November 2018 at 5pm which has been advertised in the Gulf News. A call has gone out for community representatives on the forum and interested parties have until 19 October 2018 to apply using the form attached in Appendix B.

14. The recommendations of the first transport forum meeting cannot be submitted before the local board business meeting because the agenda closes on 12 November 2018. Therefore any recommendations from the transport forum will have to be tabled at that meeting. This report seeks approval to table any recommendations from the transport forum at the Waiheke Local Board’s November business meeting to ensure matters are dealt with promptly.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-roh
Local impacts and local board views

15. The board has considered the request of the community raised at the public forum and worked with Auckland Transport and Auckland Council staff to develop an appropriate forum structure.

16. Board members have indicated support for this proposal and believe that the transport forum would provide meaningful community input into transport matters on Waiheke.

17. Agreement has also been reached that the proposals presented at the forum can contribute to Waiheke’s proposed Ten Year Transport Plan.

Tauākī whakaaweawe Māori / Māori impact statement

18. Development of transport initiatives on Waiheke is an area of interest for mana whenua - consequently minutes of the transport forum will be circulated to mana whenua representatives.

19. A mana whenua representative will be invited to attend the transport forum on a case by case basis.

Ngā ritenga ā-pūtea / Financial implications

20. There is no budgetary allocation required for the transport forum. Any financial resources required to support approved recommendations will be approved by the board and from existing budgets.
Ngā tāpirihanga / Attachments

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Ngā kaihaina / Signatories

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<tr>
<td>Author</td>
<td>Mark Inglis - Local Board Advisor</td>
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<tr>
<td>Authoriser</td>
<td>Helgard Wagener - Relshp Mgr - Great Barrier and Waiheke</td>
</tr>
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Establishment of a transport forum

Terms of Reference – Establishment of Waiheke Transport Forum

Purpose
To form an advisory group which considers proposals on transport matters and provides local input on transport initiatives.

Proposed Scope:
To provide:
- a forum to consider presentations on transport issues and proposed projects on Waiheke
- input into a 10 Year Transport Plan
- community input on design and planning of roads, cycle-ways and footpaths
- advice on community engagement on local transport projects

Who Can Make a Presentation to forum?
- Members of the community
- Members of transport organisations
- Officers of council family organisations
- Elected Members

Meeting Frequency
Quarterly commencing in the fourth quarter 2018. Suggest Thursday November 15th, 5pm.

Structure
An advisory group made up of the following members:

- Two local board members including the chair
  - Does the board chair also chair the transport forum?
- Officers
  - Melanie Dale - AT Relationship Manager
  - John Nash - Programme Manager Waiheke & Gulf Islands
  - Helgard Wagener - Relationship Manager Waiheke & Gulf Islands
  - Mark Inglis - Local Board Advisor
  - Safia Cockerell - Democracy Advisor or Lisa Young - PA/Liaison
- Others
  - Other AT staff can be invited as necessary
  - Subject Matter Experts co-opted as necessary depending upon proposals on the agenda
- Up to 7 community members to be selected from public applications and invitations to community organisations including the following:
  1. Cycle Action Waiheke
  2. Transport Operators
  3. Walking Groups
  4. School representatives
  5. Residents Associations
Terms of Reference – Establishment of Waiheke Transport Forum

Administration

1. Meetings will be advertised on Waiheke Local Board Facebook page and other social media.
2. Meetings will be administered and recorded using the board’s workshop procedures. The details of the procedures will be discussed and approved at the first meeting of the transport forum.
3. The agenda closes approximately 2 weeks before meeting date.
4. Written proposals and requests for deputations must be submitted by agenda closing date to the Waiheke Local Board email address.
5. A meeting record will be taken during the meeting including proposed actions to be put forward to the Waiheke Local Board business meeting by formal resolution or directly to the officer or organisation responsible for implementing the action, if a board resolution is not required.
6. A maximum of fifteen minutes will be allowed per presentation (10 mins for presentation and 5 mins for questions and discussion).

Budget
- no allocated budget
- use of Local Board Office facilities, staff and catering

Mana Whenua/Tangata Whenua Involvement
- sent the minutes of each meeting and invited on a case-by-case basis

Legal Structure
- no legal structure, advisory only

Review:
- Suggest reviewing how the forum is operating after 1 year.
## TRANSPORT FORUM – COMMUNITY MEMBER APPLICATION

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<td><strong>Mobile:</strong></td>
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### Interest in being a Committee Member

Outline the reasons for you or your organisation’s interest in wanting to join the Transport Forum as a community representative.

### Specific Expertise

Outline the skills and experience that you possess and provide a summary of the contribution you could make to the Transport Forum.

### Community Representation

Outline your current or past representation in community and professional membership, networks and/or interest.

### Community Involvement and Business Networks

Outline your community interests and involvements and provide details of the potential contribution to collaboration with other agencies you could bring to the Transport Forum.
Review of the Code of Conduct

File No.: CP2018/19047

Te take mō te pūrongo / Purpose of the report
1. To seek local board feedback on the draft Code of Conduct.

Whakarāpopototanga matua / Executive summary
2. The council’s initial Code of Conduct was prepared by the Auckland Transition Agency prior to Auckland Council commencing. It was last reviewed in 2013. The Code of Conduct has worked well but there have been a number of issues identified. The Governing Body agreed that the Code of Conduct be reviewed through the Joint Governance Working Party. Presentations were made to local board cluster meetings earlier this year.

3. Based on feedback to date, an amended Code of Conduct has been drafted and the Joint Governance Working Party has approved it to be reported to local boards for feedback. The proposals contained in the draft Code of Conduct address the issues that were identified.

4. A comparison of the draft Code of Conduct with the current Code of Conduct can be summarised as follows:
   i) The draft Code of Conduct itself is more concise
   ii) Material breaches are defined
   iii) There are separate complaint processes depending on whether a complaint relates to a non-material breach, a material breach or conflict of interest
   iv) The current independent review panel is replaced by a Conduct Commissioner, who can impose sanctions
   v) Findings of the Conduct Commissioner (for material breaches) will be made public to assist compliance with sanctions imposed by the Conduct Commissioner
   vi) There is no political involvement in determining a complaint or imposing sanctions
   vii) Related documents are bundled in with the draft Code of Conduct and key policies and protocols and adopted with the draft Code of Conduct:
      a) Conflict of interest policy
      b) Access to information protocol
      c) Election year policy
      d) Communications policy
      e) Media protocols

5. Local board feedback is being sought on the draft Code of Conduct.

Te tūtohunga / Recommendation
That the Waiheke Local Board:
   a) provide its feedback on the draft Code of Conduct attached to this report.
Horopaki / Context

What is the Code of Conduct

6. A code of conduct (code) essentially sets out a council’s expectations about how members will conduct themselves. Every council is required to adopt a code of conduct (Local Government Act 2002, schedule 7, clause 15). It must set out:

“(a) understandings and expectations adopted by the local authority about the manner in which members may conduct themselves while acting in their capacity as members, including—
   (i) behaviour toward one another, staff, and the public; and
   (ii) disclosure of information, including (but not limited to) the provision of any document, to elected members that—
      (A) is received by, or is in the possession of, an elected member in his or her capacity as an elected member; and
      (B) relates to the ability of the local authority to give effect to any provision of this Act; and
   (b) a general explanation of—
      (i) the Local Government Official Information and Meetings Act 1987; and
      (ii) any other enactment or rule of law applicable to members.”

7. Once adopted, a code of conduct requires a 75 per cent majority to change it.

8. Members of local boards must comply with the code of conduct that is adopted by the governing body (Local Government Act 2002, schedule 7, clause 36B).

Reasons for reviewing the Code of Conduct

9. In working with the current code, the council has experienced a number of issues:

   i) It is not easy to follow. It includes principles, descriptions of roles and responsibilities and statements about relationships and behaviours. However, a complaint about a breach can only relate to the section on relationships and behaviours.

   ii) Although a positive aspect of the current code is a focus, initially, on resolving complaints to the satisfaction of the complainant, it is not appropriate for an allegation about a conflict of interest to be resolved to the satisfaction of the complainant – conflict of interest allegations need to be tested against the law.

   iii) The code does not distinguish between non-material and material breaches. All allegations of breaches are treated the same.

   iv) The final point of escalation of a complaint is to the independent review panel which comprises three members. This process is valuable but is underused because it can be expensive with three members being required.

   v) There needs to be a requirement that a complainant has tried to resolve their complaint prior to submitting it to the formal complaint process in the code.

   vi) The code is underused because it is seen to “lack teeth”. There needs to be a review of available sanctions.

10. PWC were commissioned to review the current code and the Governing Body agreed at its February 2018 meeting that the current code should be reviewed. The Joint Governance Working Party is overseeing the development of the code.

Engagement to date

11. Staff made presentations to local board cluster meetings and a Governing Body workshop earlier this year. Among the issues discussed, was whether a revised code should be concise and principles-based or prescriptive.
12. The approach to the draft code was discussed with the Joint Governance Working Party, whose guidance included that there should be no political involvement in the determination of complaints and the imposition of sanctions.

13. A draft was presented to the Joint Governance Working Party on 12 September which the working party approved for reporting to local boards for their feedback.

**Tātaritanga me ngā tohutohu / Analysis and advice**

**The draft code**

14. The draft code is at attachment A.

15. The draft Code is presented as two documents:

   i) The Code itself contains:
      a) principles
      b) descriptions of material breaches
      c) the complaints process.

   ii) The second document contains attachments which provide more detail:
       a) Policies and protocols which are adopted along with the Code and are an intrinsic part of the Code. Elected members must abide by the conduct set out in these documents.
       b) Description of applicable legislation which the Local Government Act requires all Codes to contain.
       c) Documents which are described as “external” in the sense that they are agreed outside the Code but are relevant to the conduct of members. An example is the Expenses Policy which is agreed by the Finance and Performance Committee and approved by the Remuneration Authority. It is useful to have these documents included for easy reference and to provide context to some aspects of the code.

16. The Code describes two key principles – trust and respect. The principle of trust captures the expectations of the community in their elected representatives. The community trusts that members will act in the interest of the community and not their own interest, for example. This principle encompasses the ethical dimension of conduct.

17. The principle of respect captures the expectations members have of each other in terms of their conduct towards each other and towards the public.

18. The principles are written in a style which indicates personal commitment (“I will…”).

**The complaints process**

19. The draft Code contains definitions of “material breaches”. This defines what the bottom line is and at what point a breach needs to be treated more seriously than other breaches. A complaint which relates to a material breach is treated differently to a complaint which relates to a non-material breach.

20. A complaint is lodged with the chief executive. A complaint must set out what part of the Code has been breached, must provide evidence of the breach and evidence of attempts to resolve the breach. (Where the Code refers to chief executive this includes a nominee of the chief executive.)

21. If the complaint relates to a conflict of interest, the chief executive will arrange for the member to receive advice from either Legal Services or Audit and Risk. The complainant has no further role. If the member does not comply with advice, the matter becomes a material breach for investigation by the Conduct Commissioner.
22. In other cases, the chief executive refers the complaint to an “Investigator”. An Investigator is appointed by the chief executive and may be a staff member or external person.

23. The Investigator conducts a preliminary assessment of the complaint and has the discretion to dismiss the complaint if it is frivolous or vexatious or without substance.

24. If the complaint relates to a non-material breach, the Investigator may make non-binding recommendations, including a recommendation to apologise or undertake voluntary mediation.

25. If the complaint relates to a material breach, it is referred to a “Conduct Commissioner”. A Conduct Commissioner is a person of the calibre of a retired High Court judge and is selected from a list of such persons which has been approved by the Governing Body.

26. The Conduct Commissioner may direct mediation or conduct an investigation which may include a hearing.

**Sanctions**

27. The Conduct Commissioner has the power to impose sanctions, including a requirement to apologise, withdraw remarks or make a public statement. The report of the Conduct Commissioner is formal and made public, to promote compliance with the sanctions imposed by the Conduct Commissioner.

28. The Conduct Commissioner replaces the current independent review panel, which is not used frequently due to the cost associated with it having three members.

29. Staff had been asked to investigate whether there could be financial sanctions. The Remuneration Authority was asked whether it would agree to a reduction of salary paid to a member who breached the Code. The reply included:

   The Authority is often asked whether the performance of an individual or individuals is considered when making a determination. Performance does not feature in the list of criteria that the Authority is required to take into account. Therefore, it has no mandate to consider performance.

   Section 14 (implementation of determinations) of the Remuneration Authority Act 1977 says that every determination issued by the Authority must be implemented according to their tenor and it is unlawful to act contrary to a determination. This prevents a council from making deductions from an elected member’s salary.

**Attachments to the code**

30. The attachments include:

   i) Policies and protocols that are adopted along with the code:

      - Conflict of interest policy
      - Access to information protocol
      - Election year policy
      - Communications policy
      - Media protocols

   ii) A description of legislation that is required by the Local Government Act 2002.

   iii) Documents that are external to the code but are included because they are relevant to conduct:

      - Guide to governance roles and responsibilities
      - Guide to working with staff
      - Expenses policy
31. The attached policies include the conflict of interest policy which has been rewritten and a new "Access to information protocol." All other documents attached to the code are from existing sources and are not new.

**Conflict of interest policy**

32. The Conflict of Interest Policy has been updated to reflect the current legal position relating to conflicts of interest and pre-determination, as the current policy is out of date.

33. It remedies a current inconsistency between the treatment of financial and non-financial interests (being automatically disqualified from decision-making for a financial interest, but not for a non-financial interest).

34. It includes a new section on pre-determination, which is a separate legal concept to conflicts of interest.

35. It places stronger emphasis on the interests of the council in the probity and integrity of its decisions, as the consequences of failing to manage are more commonly borne by the council.

36. It is intended to be more user-friendly and accessible.

**New protocol included – Elected Member Access to Information**

37. Included in the policies and protocols attached to the Code of Conduct is a new ‘Access to information protocol’. This protocol puts a framework around elected members legal right to council information under the ‘need to know’ principle. This protocol is in addition to the existing ways that elected members can gain access to information. It is aimed at addressing circumstances where there has been lack of clarity over requests for information where it is not clear if it is or is not confidential.

**The need to know principle for elected members**

38. In addition to rights under LGOIMA, elected members have a legal right to council information under the “need to know” principle established by the common law. Under this principle, a good reason to access council information exists if an elected member shows that access to the information is reasonably necessary to enable them to perform their statutory functions as a member of the council. In some limited cases elected members may also be able establish a “need to know” council information relevant to their representative duties.

**Why we are proposing a protocol**

39. The purposes of the draft protocol are to:

   i) Give effect to the legal ‘need to know’ principle.

   ii) Enable elected members to properly perform their statutory functions as democratically elected local decision-makers; and to facilitate them in fulfilling their representative duties. This promotes democratic and effective local government.

   iii) Provide elected members with better and more efficient access to Council information than is provided for LGOIMA, by reducing the number of withholding grounds that can apply to the information and the timeframes for response.

   iv) Provide for transparent and impartial Chief Executive decisions on requests under this protocol, and a democratic mechanism for the reconsideration of such decisions.

   v) To provide that confidential Council information will be made available to elected members in a manner that reflects the Council’s legal duty to protect the confidentiality of the information and does not prejudice the interests protected by LGOIMA.
40. We have agreed with the Chief Ombudsman that we will develop a protocol to better manage elected member access to information.

41. Because this is the first time that council is adopting such a protocol, staff are suggesting that it is revisited and reviewed within 18 months of its adoption to ensure that it is working effectively, best enabling elected members to properly perform their statutory functions as democratically elected local decision-makers and facilitating them in fulfilling their representative duties.

Summary of suggested process in draft protocol

42. The protocol sets out a framework and process for elected member requests for council information. In summary, the process in the protocol is:

   i) Elected members make a request for information held by Council and explain why they need the information.

   ii) Chief Executive makes a decision on whether the information is reasonably necessary for the elected member to exercise their statutory functions or performance of their representative duties, and whether any of the limited reasons to withhold may apply (for example if personal information should be redacted for Privacy Act reasons).

   iii) Decision and the provision of information to the elected member (with conditions if necessary for confidential information) within 5 working days.

   iv) If an elected member is not happy with the Chief Executive decision, they can ask it to be reconsidered by the Audit & Risk Committee.

Local board feedback

43. Local board views are being sought on the proposed changes in the draft code and the supporting policies that will be adopted alongside the code. In particular:

   • The principles based and positive intent in the drafting of the code
   • Defining material breaches and making the findings of complaints of a material breach public
   • Replacing the current independent review panel with an independent Conduct Commissioner, who can impose sanctions which means having no political involvement in determining a complaint or imposing sanctions
   • Support for the access to information protocol

44. Feedback from local boards will be considered by the Joint Governance Working Party at its meeting on 31 October 2018. The working party will then recommend a final draft code to the Governing Body for adoption. Once adopted by the Governing Body, the Code applies to all elected members.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe / Local impacts and local board views

45. Local board feedback will be reported to the Joint Governance Working Party. The code impacts local boards in that all members must abide by it.

Tauākī whakaaweawe Māori / Māori impact statement

46. The Code of Conduct is an internal procedural document. The principles and values expressed in the document provide for inclusivity and specifically disallow discrimination.

Ngā ritenga ā-pūtea / Financial implications

47. There may be financial implications if the investigator that the chief executive appoints is external. Escalation to the Conduct Commissioner will have lesser financial implications.
than referral to a full review panel as provided in the existing code, but because of the reduced financial cost, may be utilised more often.

Ngā raru tūpono / Risks
48. There is a risk that some elected members will not be fully socialised with the new code. Staff will investigate how best to ensure all elected members are fully aware of the new code.

Ngā koringa ā-muri / Next steps
49. The feedback from local boards will be reported to the meeting of the Joint Governance Working Party on 31 October 2018. The working party will then recommend a final draft code to the Governing Body for adoption.

Ngā tāpirihanga / Attachments

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Ngā kaihaina / Signatories

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<tr>
<th>Author</th>
<th>Warwick McNaughton - Principal Advisor - Democracy Services</th>
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<td>Authorisers</td>
<td>Marguerite Delbet - General Manager Democracy Services</td>
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Introduction

Every local authority is required to adopt a code of conduct. It must set out:

“(a) understandings and expectations adopted by the local authority about the manner in which members may conduct themselves while acting in their capacity as members, including—
(i) behaviour toward one another, staff, and the public; and
(ii) disclosure of information, including (but not limited to) the provision of any document, to elected members that—
(A) is received by, or is in the possession of, an elected member in his or her capacity as an elected member; and
(B) relates to the ability of the local authority to give effect to any provision of this Act; and

(b) a general explanation of—
(i) the Local Government Official Information and Meetings Act 1987; and
(ii) any other enactment or rule of law applicable to members.”

This code has two key principles: one reflecting the expectations of the community that elected members act in the community’s interest with high ethical standards and one reflecting members’ own expectations about how they will interact with each other, the public and staff. These principles are expressed positively in terms of trust and respect. The code also provides clarity about what is a significant breach.

There are various documents attached to the Code. Some of these form part of the Code and are adopted along with the Code. Members ensure their conduct is consistent with these documents. Others provide detail that is relevant to determining compliance with this Code and are not adopted as part of it.

The provisions for complaints provide for independent external assessments and judgements where appropriate. Political involvement is minimised.

Application

The code applies to elected members while acting in their capacity as elected members.

Conduct matters that arise in meetings should be dealt with under the meeting’s standing orders, however, a complaint relating to such a conduct matter, if not adequately dealt with at a meeting, may be made under the Code.

1 Local Government Act 2002, schedule 7, clause 15
1 Principles

1.1 Trust

I can be trusted to act in the community’s interest

I will:

- make decisions on their merits, in the interests of the public and unaffected by illegitimate considerations such as personal interest or other duties or relationships
- disclose all personal and outside interests, relationships and duties
- declare a conflict of interest and step aside from a decision where it might appear that I will not approach a decision on its merits, in the interests of the public and unaffected by a personal or outside interest, relationship or duty
- when making decisions, have an open mind to the views of others and to alternatives, and be prepared, despite any predisposition I may have, to change my mind
- ensure that I am not under an obligation to those that might inappropriately try to influence me in the performance of my duties
- be accountable for the decisions I make and co-operate with appropriate public scrutiny
- make an equitable contribution, including attending meetings and workshops, preparing for meetings, attending civic events, and participating in relevant training seminars
- act and make decisions openly and transparently
- be truthful and demonstrate honesty and integrity
- use council resources prudently and lawfully and not for my own purposes
- uphold the law, and promote and support high standards of conduct by leadership and example
- comply with the legislation, policies and protocols attached to this code
1.2 Respect

I will respect those I work with

I will interact with other elected members, staff and the public in a way that:

- encourages mutual respect and maintains the dignity of each individual
- recognises others’ roles and responsibilities
- is inclusive
- enables the co-existence of individual and collective responsibility
- allows for robust discussion and debate focusing on issues rather than personalities
- encourages thoughtful analysis
- maintains public confidence in the office to which I have been elected
- is open and honest
- maintains the confidentiality of information provided to me
- complies with the attached policies and protocols
2 Policies, protocols, legislation and external documents

The following are policies and protocols that provide more detail around agreed standards and procedures. These policies and protocols are adopted as part of the Code of Conduct.

<table>
<thead>
<tr>
<th>Policies and protocols</th>
<th>Attachment</th>
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<tbody>
<tr>
<td>Conflict of interest policy</td>
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<td>Media protocols</td>
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The following is a summary of legislation that is relevant to the conduct of members.

<table>
<thead>
<tr>
<th>Legislation</th>
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<tr>
<td>Legislation relevant to the conduct of members</td>
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The following are documents that exist independently of the Code of Conduct. They provide detail that is relevant to determining compliance with this Code of Conduct. These documents exist outside of the Code of Conduct and are not adopted as a part of the Code.

<table>
<thead>
<tr>
<th>External documents</th>
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<td>Expenses policy</td>
<td>I</td>
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</tbody>
</table>
3 Material breaches

- Participating in a decision where the member has been formally advised through the complaints provisions of this code that a conflict of interest exists
- Breaching cl 2.19 and cl 3.7 of the Conflicts of Interest policy
- Bullying, aggressive behaviour
- Discrimination
- Undermining other elected members, staff or the public
- Intentional misrepresentation of the statements or actions of others
- Intentional disclosure of confidential information
- Intentional misuse of council resources
- Harassment, including:
  - Violent threats or language directed against another person.
  - Discriminatory jokes and language.
  - Posting sexually explicit or violent material.
  - Posting (or threatening to post) other people's personally identifying information.
  - Personal insults, especially those using racist or sexist terms.
  - Unwelcome sexual attention.
  - Advocating for, or encouraging, any of the above behaviour.
  - Continuing with unwanted behaviour after being asked to stop.

4 Complaints

4.1 Breach of the Code

All elected members must comply with the Code of Conduct and associated policies. Not doing so, constitutes a breach of the Code.

4.2 Complaints

Where an elected member, the chief executive (including on behalf of a member of staff from the council family) or a member of the public believes that an elected member has breached the Code, a complaint may be made.

The complaint must be made in writing and lodged with the chief executive, reference the part of the Code which is alleged to be breached, provide evidence of the alleged breach and evidence of attempts to resolve the complaint.
4.3 Principles

All complaints will be considered in a manner consistent with the principles that:
- the approach for investigating and assessing a complaint will be proportionate to the apparent seriousness, nature and complexity of the alleged breach; and
- the concepts of natural justice and fairness will apply in the determination of any complaints made under this Code.

4.4 Investigator, Conduct Commissioner, mediators

General
The Investigator, Conduct Commissioner and mediator will be separate persons in the case of any specific complaint.

Investigator
The chief executive will be responsible for the appointment of a suitable Investigator. This may be a staff member or external person.

Conduct Commissioner
The chief executive will recommend to the Governing Body, for approval, a list of persons who may be called on to fulfil the role of Conduct Commissioner.

Mediators
Mediators will be external and have established skills as mediators.

4.5 Receipt of complaint

On receipt of a complaint, the chief executive will follow the process set out in cl 4.11 if the complaint relates to a breach of the conflicts of interest provision in the Code.

All other complaints will be referred to an Investigator.

The chief executive will inform:
- the complainant that the complaint has been referred to the Investigator;
- the respondent that a complaint has been made against them, as well as the name of the Investigator, and the process for dealing with complaints as set out in the Code.

4.6 Preliminary assessment

On receipt of a complaint, the Investigator will determine if the complaint is:
- frivolous, vexatious, or without substance and should be dismissed;
- outside the scope of the Code and should be redirected or dismissed;
- relates to a non-material breach of the Code; or
- relates to a material breach of the Code and a full investigation is required.

Factors that can be considered when determining if a complaint is frivolous, vexatious, or without substance include whether complaints are intended to:

- intimidate or harass another member or employee;
- damage another member’s reputation;
- obtain a political advantage;
- influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions;
- avoid disciplinary action under this Code;
- prevent or disrupt the effective administration of this code;
- or are not made in good faith.

The Investigator can make any initial inquiry that is necessary to determine the appropriate course of action.

Unless the Investigator determines otherwise, a full copy of the complaint will be provided to the respondent.

4.7 Dismissal of complaint

Where the Investigator decides that the complaint should be dismissed, the Investigator will inform the chief executive.

The chief executive will inform the complainant and the respondent of the Investigator’s decision.

The Investigator has full discretion to dismiss any complaint, and any decision made by the Investigator is not open to challenge.

4.8 Non-material breach

Where the Investigator finds that the complaint relates to a non-material breach of the Code, the Investigator will inform the chief executive and can choose to recommend an appropriate non-binding course of action for the respondent, which may include:

- seeking guidance from the Chairperson or Mayor, or other mentor;
- attending appropriate courses or programmes to increase their knowledge and understanding of the matters leading to the complaint;
- apologising to the complainant; and/or
- participating in voluntary mediation.

The chief executive will inform the complainant and respondent of the Investigator’s decision and any recommendations. The Investigator may also choose to recommend that the chief executive inform the Mayor or relevant Local Board Chair for information purposes only.

Any decision made by the Investigator is not open to challenge.

### 4.9 Material breach

Where the Investigator considers the complaint relates to a material breach of the Code, the Investigator will inform the chief executive and refer the complaint to a Conduct Commissioner. The chief executive will inform the complainant and respondent.

The Conduct Commissioner will then, in his or her complete discretion, either direct that the complaint should be mediated if the Conduct Commissioner considers there is a reasonable prospect that mediation will resolve the complaint. Alternatively, the Conduct Commissioner may decide to investigate the complaint to determine whether a breach is made out and the seriousness of it.

If mediation is directed, the mediator will be independent from the investigator and the Conduct Commissioner. If the mediation is successful, the outcome of the mediation will be reported to the chief executive. If the mediation is unsuccessful, the Conduct Commissioner will carry out a full investigation.

If the Conduct Commissioner investigates the complaint, the Conduct Commissioner may:
- consult with the complainant, respondent and any affected parties;
- undertake a hearing with relevant parties; and/or
- refer to any relevant documents or information.

The Conduct Commissioner will also determine whether or not to impose any of the following sanctions on the elected member:
- a requirement to apologise and, if applicable, withdraw remarks
- a requirement to make a public statement correcting previous remarks which misrepresented the facts;
- a requirement to undertake specified training or personal development;
- suspending the elected member from committees or other representative bodies; and/or
- seeking guidance from the Chairperson or Mayor, or other mentor.

Following the investigation, the Conduct Commissioner will provide the chief executive with a report on the findings of the investigation and any sanctions that are imposed on the respondent. The chief executive will provide the report to the complainant, respondent, and the relevant local board or governing body for information purposes only.\(^2\)

The decision made by the Conduct Commissioner is not open to challenge.

### 4.10 Public disclosure of complaints and outcomes

The public interest in the accountability of elected members needs to be balanced against the requirements of natural justice and privacy. Complaints relating to non-material breaches, and their outcomes, will not normally be proactively released.

Where the complaint relates to a material breach of the Code, the Conduct Commissioner will determine whether the outcome of the investigation, or the report, should be proactively released (having regard to the Local Government Official Information and Meetings Act 1987). If it is proactively released, compliance with any sanctions imposed by the Conduct Commissioner will also be publicly recorded.

### 4.11 Alleged breach relates to a conflict of interest:

Where the alleged breach of the Code relates to a conflict of interest, the chief executive will inform the respondent of the complaint, and arrange for the member to receive advice from legal services or internal audit on conflicts of interest.

The chief executive will inform the complainant that advice on the matter has been sought. The complainant will not have any further involvement in the complaint following this.\(^3\)

The advice is provided to the member and to the governing body (in relation to a complaint against a governing body member), or the local board (in relation to a complaint against a member of a local board).\(^4\)

If the advice is that it would be reasonable for the elected member to conclude that they have a conflict of interest, they are required to declare the conflict and recuse themselves from any future decision on that matter. If the elected member does not take that action,

\(^2\) The decision on whether or not the report will be included on a public meeting agenda, will be made in light of the requirements of the Local Government Official Information and Meetings Act 1987.

\(^3\) Involvement by the complainant is not required as the matter is a question relating to the existence, or lack thereof, of a conflict of interest. It does not require the complaint being resolved to the satisfaction of the complainant.

\(^4\) Or to just the mayor/chair possibility – on the basis that the chair has this information should similar decision-making come up again.
the matter will be referred to the Conduct Commissioner for investigation as a material breach of the Code.

If the complaint is that an elected member has breached cl 2.19 of the Conflicts of Interest policy, that complaint will be referred to the Conduct Commissioner to investigate under cl 4.9 (Material breach) of this Code;
## Attachments

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Policies and protocols

A. Conflict of interest policy

1 Purpose

1.1 This Policy sets out the expectations on and requirements of elected members of Auckland Council regarding conflicts of interest (bias) and predetermination.

1.2 This Policy seeks to preserve the integrity of the council’s decisions. If elected members participate in a decision when they have a conflict of interest or a closed mind, public confidence in those decisions will be diminished and the decisions themselves may be exposed to challenge on judicial review. This causes delay, cost and uncertainty for Auckland. Elected member conflicts of interests pose a reputational, legal and financial risk to not only the individual elected member, but also the council.

1.3 Conflicts of interest are concerned with public perceptions as to impartial decision-making, based on the interests or relationships of the decision-maker. Predetermination is concerned with “closed mind” decision-making, and is not dependent on the interests or relationships of the decision-maker.

1.4 The purposes of this Policy are –

(a) to ensure that elected members make decisions on their merits, in the interests of the public, and unaffected by illegitimate considerations such as personal interests, or other duties or relationships.

(b) to ensure that elected members make decisions with an open mind to the views of others and to alternatives, and be prepared, despite any predisposition, to change their mind.

(c) to ensure the integrity of decisions made by Auckland Council, and to ensure that people affected by, or interested in the council’s decisions, can have trust and confidence in the process and decisions made by elected members.

1.5 To achieve the purposes of this Policy, elected members must disclose all personal and outside interests, relationships and duties, abstain from discussion and voting where they have a conflict of interest or a closed mind, and make annual declarations of interest. A register of interests is also maintained by Auckland Council.

1.6 This Policy applies to all elected members of Auckland Council.

2 Conflicts of Interest (bias)

2.1 A conflict of interest may arise from a financial or non-financial interest of an elected member.
Financial interest

2.2 An elected member has a financial interest in a matter being decided by Auckland Council (Governing Body or local boards) if he or she could reasonably expect a financial gain or loss, depending on how the council decides to deal with the matter. An interest in common with the public (for example as a general ratepayer of Auckland) is not a concern. For a financial interest to arise, it does not matter how the elected member actually votes (or intends to vote), or whether financial gain is sought.

2.3 A member could have a financial interest if, for example, the decision could be expected to have an effect on the value of land or shares that an elected member owns, or the turnover of a business that an elected member is involved in. The interest may be direct or indirect (for example, through a company, or as the beneficiary of a trust). An elected member must consider the financial interests of his or her spouse/partner as his or her own.

2.4 Where a decision may give rise to a very small financial gain or loss to an elected member, this may be too trivial or negligible to amount to a financial interest. For example, the Office of the Auditor-General suggests that a loss or gain of $20 is likely to be trivial (although the exact amount will depend on the circumstances of the particular interest and decision).

2.5 The question of whether an interest is held in common with the public is a matter of fact and degree. While there is no formula that can be applied to this assessment, it generally requires a consideration of:

(a) whether there is a group of people “in common” with the member, who are affected by the proposed decision, in a similar way and to a similar magnitude. The most materially similar group should be considered (usually the smallest group, or the most significantly affected group); and

(b) whether the group can be considered the “public”, that is, whether the group is a fair proxy for the people of Auckland, and so it is legitimate for the elected member to act in the interest of this group to the exclusion of other groups?

2.6 If an elected member has a financial interest in a decision before the council, they must apply the test for a conflict of interest at clause 2.10 of this Policy to determine whether they may participate in decision-making on the matter.

2.7 Participating in a decision where an elected member has a financial interest may (as well as undermining the integrity of the council decision) also constitute an offence under the Local Authorities (Members’ Interests) Act 1968 (LAMIA), and this may have personal consequences for the individual elected member. See paragraph 2.16 for recommended steps where an elected member may have a financial conflict of interest.

Non-financial interest

2.8 An elected member has a non-financial interest in a matter being decided by Auckland Council, if he or she has a relationship or involvement with an individual or
organisation (usually separate to their role as an elected member), in circumstances where that individual or organisation is involved in or affected by a matter before the council.

2.9 The interest arises from a pre-existing state of affairs. Common non-financial interests may arise from a personal relationship, such as with family, friends, or iwi and hapū. Other interests may arise from involvement with organisations, such as community groups, clubs or churches.

Test for conflict of interest

2.10 Once a financial or non-financial interest is identified, the test for whether that interest may constitute a conflict of interest is:\footnote{Derived from Sarnrew Company Ltd v Wool Board Disestablishment Company Ltd[2010] 1 NZLR 35, (2010) 1 NZLR 78, and the Office of the Auditor-General, Guidance for members of local authorities about the Local Authorities (Members’ Interests) Act 1988 (OAG Guidelines), and should also}

Would a fair-minded observer reasonably think that a member of the decision-making body might not bring an impartial mind to the decision, in the sense that he or she might unfairly regard with favour (or disfavour) a particular position due to his or her financial or non-financial interest?

2.11 This question is not just limited to actual bias, but also the appearance or possibility of bias. This is because even the appearance of bias may undermine public trust and confidence in council decision-making.

2.12 When applying this test, fair-minded observers should be taken to understand the practicalities and political context of local government. Local authorities are different in nature to other decision-making bodies, such as courts and judges, and elected members are not required to be entirely impartial or removed from their communities. The democratic status of a local authority, the representative nature of members of a local authority, and the practice of decisions being made by a committee of members by majority vote must be recognised. So too must the type of decision being made. Some decisions, such as decisions under the Resource Management Act and those requiring a formal statutory process and hearing, require a higher degree of impartiality than decisions that are more high-level policy making, or where it is a recommendatory power only.

Management of Conflicts of Interest

2.13 Elected members are required to evaluate their financial and non-financial interests to determine whether or not they have a conflict of interest in any matter being discussed or voted on.

2.14 If an elected member is concerned they may have a conflict of interest in a matter before the council (either financial or non-financial), they must consider and review this Policy and the flow chart (see Appendix 3 of this Policy), and/or seek advice from the Chief Executive.

2.15 Additionally, if it is a financial interest, the elected member should review the Office of the Auditor-General Guidance for members of local authorities about the Local Authorities (Members’ Interests) Act 1988 (OAG Guidelines), and should also
consider seeking advice from the Office of the Auditor-General or independent legal advice.

2.16 If an elected member has a conflict of interest, they must not participate in discussion or voting on the matter. The elected member must:

(a) declare that a conflict of interest exists at the beginning of the meeting;

(b) refrain from discussing or voting on the matter;

(c) leave the meeting table while the matter is being discussed or voted on (but may remain in the meeting room if appropriate);

(d) ensure that the declaration and abstention are recorded in the meeting minutes.

2.17 Reminders to elected members to declare any conflicts of interest are included as a standard item on meeting agendas.

2.18 In addition, in order to protect against conflicts of interest, elected members must not accept any gifts (including hospitality and entertainment) from parties to any regulatory process that the council is making decisions on, where the elected member is directly involved or interested in the governance or administration of regulatory process itself. This requirement does not apply to regulatory decisions which concern the public generally, for example, decisions relating to the adoption or review of a Bylaw.

2.19 It is a breach of this Policy if an elected member has a financial or non-financial conflict of interest in a decision, and does not manage it in accordance with clauses 2.13 - 2.18 of this Policy.

Local Authorities (Members’ Interests) Act 1968 (LAMIA)

2.20 In addition to this Policy, elected members must also comply with any other legal requirements relating to conflicts of interest. This includes the requirements set out in LAMIA. Of particular note:

(a) it is an offence under LAMIA for an elected member to participate in discussion or voting on any matter before the council in which they have a direct or indirect financial interest, other than an interest in common with the public;\(^2\) and

(b) an elected member is automatically disqualified from office, if they are “concerned or interested” in contracts with the Council and the total payments made, or to be made, by or on behalf of the Council exceed $25,000 (inclusive of GST) in any financial year.\(^3\)

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\(^2\) Local Authorities (Members’ Interests) Act 1968, section 6.

\(^3\) Local Authorities (Members’ Interests) Act 1968, section 3.
2.21 For advice on compliance with LAMIA, elected members should review the OAG Guidelines and/or seek advice from the Office of the Auditor-General or independent legal advice.

3 Pre-determination

3.1 Pre-determination is concerned with ‘closed mind’ decision-making and, unlike conflicts of interest, is not dependent on the relationships or interests of the decision-maker. It is generally based on the expression of a view or conduct: for example, an elected member making a statement that indicates their mind is made up about a particular matter before having heard all views, or refusing to read or listen to reports or submissions presented to the council on the matter.

Test for pre-determination

3.2 Pre-determination requires proof of “actual pre-determination or fettering rather than the appearance of the same”.4 For an elected member to have pre-determined a matter, they must have an actual closed mind.

3.3 In a local authority context, elected members may approach their task with a legitimate predisposition to decide in accordance with particular views on certain issues that they have previously articulated. What is critical is that an elected member is “prepared, despite predisposition, honestly to consider whether to change its mind”.5

Avoiding pre-determination

3.4 Elected members must approach decisions with an open mind. They must listen to and consider the views of others, staff reports and advice, and submissions and feedback presented to the council. They should avoid making statements or exhibiting behaviours that suggest that they have made up their mind before all views have been heard and deliberated.

3.5 Where an elected member has pre-determined a matter, they must refrain from discussing or voting on the matter. In addition, elected members must not deliberate on a public consultation process where that member has made a personal submission.

3.6 If an elected member is in doubt as to whether there is a risk of pre-determination, they must consider and review this Policy, and/or seek advice from the Chief Executive. The elected member may also find assistance from the Office of the Auditor-General Guidance on LAMIA.

3.7 It is a breach of this Policy for elected members to discuss or vote on a matter if they did not approach the decision with an open mind.

4 Travis Holdings Ltd v Christchurch City Council (1993) 3 NZLR 32 (HC) at 37.
5 Friends of the Tiritiri Reserve Society Inc v Palmerston North City Council (2008) 2 NZLR 661 (HC) at 672, per Baragwanath J.
4 Register of Members’ Interests

4.1 Elected members must make a full and complete declaration of interests they hold each year, as at 30 June (the Annual Declaration). For members elected to the Governing Body or a local board for the first time during the preceding 12 months, the Annual Declaration is not required to include information that relates to the period before their election.

4.2 The Annual Declaration must notify the council of the nature and extent of any interest as required under clause 4.5 below.

4.3 The Annual Declarations must be transmitted to the Registrar by 31 July each year. Elected members must also advise as soon as practicable during the year if any new interests arise.

4.4 The Annual Declarations for all elected members are recorded in a Register of Members’ Interests maintained by the council (the Register).

Content of Return of Declaration of Members’ Interests as at Effective Date of Return (30 June)

4.5 Every Annual Declaration must notify the council of the nature and extent of any interest, including:

(a) Property interests: location of, and general nature and extent of, any legal or beneficial interests in land in Auckland of the member or their spouse/partner;

(b) Trusts (beneficiary): general nature and extent of any interest in trusts for which the member or their spouse/partner is aware, or ought reasonably to be aware, that they are a beneficiary;

(c) Companies and businesses: name of any company or business, and general nature and extent of, any financial interest of the member or their spouse/partner in the company or business. This does not include interests only as a director in a company or business;

(d) Employment: any employment for which the member receives remuneration, including the name of each employer of the member, a description of the main business activities of each employer, and the nature of the member’s role and remuneration;

(e) Other sources of income: any other role for which the member receives remuneration, and the nature of the remuneration, including for directorships, trusteeships, or other governance roles;

(f) Debtors: any debtors of the member and their spouse/partner, including the name of the debtor, a description of the debt owed and the interest rate, and whether the debt is worth more or less than $50,000;

(i) For the purposes of this clause, a member does not have to disclose:
(A) A relationship property settlement, where the member is a creditor in respect of the settlement;

(B) Any debt if the debtor is the member’s spouse or domestic partner or any parent, child, step-child, foster-child or grandchild of the member; or

(C) Any debt if it is for the supply of goods or services and payment is required within 90 days of supply, or 90 days after the date of an invoice where the supply is continuous and periodic;

(g) **Creditors:** any creditors of the member and their spouse/partner, including the name of the creditor, a description of the debt owed and the interest rate, and whether the debt is worth more or less than $50,000;

(i) For the purposes of this clause, a member does not have to disclose

(A) Any home loan or mortgage from a registered bank;

(B) A relationship property settlement, where the member is a debtor in respect of the settlement;

(C) Any debt if the creditor is the member’s spouse or domestic partner or any parent, child, step-child, foster-child or grandchild of the member; or

(D) Any debt if it is for the supply of goods or services and payment is required within 90 days of supply, or 90 days after the date of an invoice where the supply is continuous and periodic;

(h) **Contracts:** any contracts with Auckland Council that the member or their spouse/partner are involved in (or a company or business that the member or their spouse/partner are interested in), and under which they receive payments from the council, including the general nature of the contract, the nature of your rights, and whether the combined value of payments by the council under the contracts is worth more or less than $25,000 in any financial year;

(i) **Trusts (trustees):** general nature of any trust for which the member is a trustee, and its activities and beneficiaries;

(j) **Governance:** any governance roles in community organisations, including the name of the organisation and the nature of the member’s role;

(k) **Membership and patronage of community organisations:** any community or other organisation of which the member is a member or patron, including the name of the organisation and the nature of the role;

(l) **Other appointments:** any appointment, except those made by the Governing Body or a local board, including the name of the organisation the member has been appointed to, and the nature of the appointment;
(m) **Travel costs**: any contributions to travel costs of the member made by third parties, and the value of the contribution;

(n) **Gifts**: a description of gifts received over the value of NZD $300, and the name of the donor of each of those gifts (if known or reasonably ascertainable by the member);

   (i) For the purpose of this clause, **gift** –

      (A) Includes hospitality (e.g. meals, corporate box) and donations in cash or kind other than donations made to cover expenses in an electoral campaign;

      (B) Excludes gifts received from family members (that is, any of the following; the member’s spouse or domestic or any parent, child, step-child, foster-child or grandchild of the member).

(o) **Personal debts**: description of personal debts of more than NZD $300 that were owing by the member that were discharged or paid (in whole or part) by any other person and the names of each of those persons.

4.6 Except as otherwise provided, nothing in the Annual Declaration requires the disclosure of the actual value, amount or extent of any asset, payment, interest, gift, contribution or debt.

**Maintenance of the Register**

4.7 The Register is maintained and updated on an ongoing basis, comprising all returns transmitted by elected members. Additional interests declared during the course of the year will be added to the Register as they occur.

4.8 The Register is maintained by the Registrar, or anyone who is authorised by the Registrar to act on their behalf. The Registrar is appointed by the Chief Executive, for the purposes of:

   (a) Compiling and maintaining the Register; and

   (b) Providing advice and guidance to members in connection with their obligations under Section 4 of this Policy.

4.9 The Register (or a fair and accurate summary of its contents) is available for public inspection. The Register or the summary is published on the council’s website.

**5 Further Information and Guidance**

5.1 If an elected member has further questions about any matter covered by this Policy, they should:

   (a) Seek advice from the Chief Executive;

   (b) If they are concerned they may have a financial interest in a decision or may breach their obligations under LAMIA, consult the Office of the Auditor-
General Guidance on LAMIA and/or seek advice from the Office of the Auditor-General;

(c) Seek independent legal advice.
## Appendix 1: Types of financial interests which may give rise to a conflict of interest

<table>
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<tr>
<th>Type of interest</th>
<th>Information that may be relevant in evaluating conflicts</th>
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<tr>
<td><strong>Land (legal interest)</strong> – Legal interests in land in Auckland owned by the member or their spouse / partner.</td>
<td>Address or location of the land, the type and extent of interest, any formulated development plans for that land (e.g. a resource consent application).</td>
</tr>
<tr>
<td><strong>Trusts (beneficiary)</strong> – Trusts for which the member or their spouse / partner is a beneficiary.</td>
<td>Name and type of the trust, the beneficiaries of the trust, the major assets of the trust in Auckland including any major interest in land in Auckland.</td>
</tr>
<tr>
<td><strong>Shares (public company)</strong> – Any shares held by the member or their spouse / partner in a publicly listed company operating in Auckland.</td>
<td>Name of the company, the number of shares owned, the nature of the business.</td>
</tr>
<tr>
<td><strong>Private companies</strong> – Any shares or ownership stake held by the member or their spouse / partner in a private company or other business (including as a sole trader, partnership or joint venture) operating in Auckland.</td>
<td>Extent of the ownership interest in the business, the nature of the business, the address of any sites it uses in Auckland (e.g. for trade or offices), the major assets of the company in Auckland.</td>
</tr>
<tr>
<td><strong>Land (other beneficial interest)</strong> – Any other beneficial interest in land in Auckland owned by member or their spouse / partner (e.g. a reversionary interest or a future interest).</td>
<td>Address or location of the land, the type and extent of interest, and any formulated development plans for that land (e.g. a resource consent application).</td>
</tr>
<tr>
<td><strong>Remuneration for governance roles</strong> – Any directorships, trusteeships or other governance roles of the member or their spouse / partner for which they could receive remuneration.</td>
<td>Nature of the role, the nature of the remuneration that the member or their spouse / partner receives in this role and the major assets of the organisation in Auckland.</td>
</tr>
<tr>
<td><strong>Employment</strong> – Any employment roles of the member or their spouse / partner.</td>
<td>Nature of the organisation, role and remuneration.</td>
</tr>
<tr>
<td><strong>Debtors</strong> – Any person or organisation that owes money to the member or their spouse/partner.</td>
<td>The debtor and the amount owed.</td>
</tr>
<tr>
<td><strong>Creditors</strong> – Any person or organisation that the member or their spouse/partner owes money.</td>
<td>The creditor and the amount owed.</td>
</tr>
</tbody>
</table>
## Appendix 2: Types of non-financial interests which may give rise to a conflict of interest

<table>
<thead>
<tr>
<th>Type of interest</th>
<th>Information that may be relevant in evaluating conflicts</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Other duties and roles</strong></td>
<td></td>
</tr>
<tr>
<td>Trusteeships, directorships or other governance roles – Organisations for which the member participates in the governance body.</td>
<td>Nature of the organisation, business, beneficiaries, the address of any sites it uses in Auckland (e.g., for trade or offices), its major assets in Auckland, the objects of the organisation, the nature of the member’s role and duties (in particular, whether the member has fiduciary obligations or has access to confidential information).</td>
</tr>
<tr>
<td>Other duties or obligations – Any person or organisation that the member has a duty to, especially a fiduciary obligation, e.g., clients or power of attorney.</td>
<td>Nature of the person or organisation, their interests in Auckland, the objects of the organisation, the nature of the member’s role and duties (in particular, whether the member has fiduciary obligations or confidential information).</td>
</tr>
<tr>
<td><strong>Close associations</strong></td>
<td></td>
</tr>
<tr>
<td>Memberships, patronage or close association with organisations – Any organisation that the member belongs to, or has a close association with (for example because they are a patron).</td>
<td>Nature of the organisation, business, beneficiaries, the address of any sites it uses in Auckland (e.g., for trade or offices), its major assets in Auckland, the submissions and objects of the organisation, and the nature of the member’s involvement in the organisation.</td>
</tr>
<tr>
<td>Close relatives, business partners or other persons closely associated with the member – Any person that the member is closely associated with, such that the member may be perceived to act in their interests.</td>
<td>The name of the person, the nature of their interests in Auckland, including any significant financial interests.</td>
</tr>
</tbody>
</table>
Appendix 3: Do you have a conflict of interest in a council decision that means you should not participate in discussion or voting?

Identify what possible financial and non-financial interests you have

**FINANCIAL INTERESTS**

Identify: What is the matter for decision, and what are the various ways the council could deal with the matter?

Do you have a financial interest in the matter for decision?
Could you or your partner/spouse reasonably expect a non-trivial financial gain or loss depending on how the council decides to deal with the matter for decision?

- **NO**
- **YES**

  **Is the financial interest in common with the public?**

  - **YES**
  - **NO**

  You can participate in discussion and voting on the matter

**NON-FINANCIAL INTERESTS**

Identify: What is the matter for decision, and what are the various ways the council could deal with the matter?

Do you have a non-financial interest in the matter for decision?
- Do you have a close association with an individual or organisation which is affected by the decision?
- Is the decision likely to affect an organisation or person that you have duties to or a role with?

- **NO**
- **YES**

  **You can participate in discussion and voting on the matter**

  **Is your interest a conflict of interest?**

  Would a fair-minded observer reasonably think that you might not bring an impartial mind to the matter because of your financial or non-financial interest, in that you might unfairly regard with favour or disfavour a particular position due to your interest?

- **NO**
- **YES**

  You have determined you do not have a conflict of interest in the matter. You should consider seeking independent legal advice about whether participation in this matter is a breach of LAMIA if you have or are concerned you have a financial interest.

  You have a conflict of interest in the matter. You should declare your interest and abstain from discussion or voting on the matter.
B. Access to information protocol\textsuperscript{6}

The purpose of this protocol is to provide elected members with a formal mechanism for access to Council information, that is better and more efficient than provided for in the Local Government Official Information and Meetings Act 1987 (LGOIMA).

This protocol is not the only way that elected members can access Council information. Elected members can continue to obtain Council information through the usual variety of channels such as discussion or correspondence with Council staff, agenda reports, and other elected members, and under LGOIMA.

\textsuperscript{6} Version – 15.8.2018
Elected member makes request for information
Request is to the CE, states the basis on which the information is sought and agrees to abide by the protocol.

CE decides if ‘good reason’ principle applies
Good reason principle will apply if access to the information is reasonably necessary to enable the elected member to properly perform their statutory functions or representative duties.

Information is required for statutory functions
Response due 5 working days from date of request.

Information is required for representative duties
Response due 5 working days from date of request.

Information is not required for either reason
Request considered under LGOIMA
Response due 20 working days from initial date of

CE considers whether information should be released or withheld
CE may withhold information under three LGOIMA grounds:
- maintenance of the law
- personal safety
- free and frank expression of opinion in public affairs
unless the information could be made available to the elected member in a confidential manner that mitigates concerns and serves the member’s reason for accessing the information.
Clauses 3.7 and 3.9

CE considers whether information should be released or withheld
CE may withhold information under any of the LGOIMA grounds unless the information could be made available to the elected member in a confidential manner that mitigates concerns and serves the member’s reason for accessing the information.
Clauses 3.8 and 3.9

CE decides what information is released and how
Non-confidential Council information is released to the elected member.
For confidential Council information, the CE decides:
- What information is withheld and why.
- What conditions will attach to the release of confidential information.
Clauses 3.10, 3.11, 4.9

Provision of information
CE provides the member with the response and makes the information available, subject to any withholding grounds and confidentiality requirements.
Elected member has a Code of Conduct duty to maintain confidentiality.
Clauses 4.9, 4.10 and 5.1

Elected member may challenge decision
Elected member may challenge the decision of the CE by requesting that the Audit & Risk Committee reconsider the decision.
Clauses 4.13 – 4.17.
15

1 Purpose

1.1 This protocol establishes a formal mechanism for elected members to access Council information in order to perform their functions and duties as members of the Council.

1.2 This protocol provides that elected members have a legal right to access Council information in certain circumstances. However, this protocol is not the only way that elected members can access Council information. Elected members can continue to obtain Council information through a variety of channels such as agenda reports, discussion or correspondence with Council staff and other elected members, and under LGOIMA.

1.3 The purposes of this protocol are –

a) To give effect to the legal principle that elected members have a right, in certain circumstances, to access Council information where reasonably necessary to enable them to properly perform their statutory functions as democratically elected local decision-makers.

b) To facilitate elected members in fulfilling their representative duties as members of the Council, to promote democratic and effective local government.

c) To provide elected members with better and more efficient access to Council information than is provided for in the Local Government Official Information and Meetings Act 1987 (LGOIMA), by reducing the number of withholding grounds that can apply to the information and the timeframes for response.

d) To provide for transparent and impartial decisions on requests by elected members to access Council information under this protocol, and for the decisions to be made by the Chief Executive.

e) To provide a democratic mechanism for the Governing Body to reconsider the decisions of the Chief Executive made under this protocol.

f) To provide that confidential Council information will be made available to elected members in a manner that reflects the Council’s legal duty to protect the confidentiality of the information and does not prejudice the interests protected by sections 6 or 7 of LGOIMA.

2 Interpretation

2.1 “Council information” means any information held by the Council and includes information held by:

a) the Chief Executive and Council staff;

b) elected members;

c) the Office of the Mayor; or

d) a statutory officer of the Council;

in the capacity as an officer, member or employee of the Council.
2.2 "Council information" does not include information held by a council-controlled organisation.

2.3 "Confidential Council information" means any Council information that is not publicly available and that the Council could withhold from a member of the public under LGCIMA.

3 Elected members’ right to Council information under the “good reason” principle

Council information that a member has good reason to access

3.1 An elected member is entitled to access Council information if he or she has a good reason to access that information.

3.2 Such a good reason will exist if access to the Council information is reasonably necessary to enable the elected member to properly perform:

(a) his or her statutory functions as a local decision-maker ("required for statutory functions"); or

(b) his or her representative duties as a member of the Council ("required for representative duties").

unless, in either case, the withholding grounds in clause 3.7 or 3.8 of this protocol apply.

Information required for statutory functions under clause 3.2(a)

3.3 The statutory functions of an elected member (except in the case of the Mayor) are only performed through the Governing Body and Local Boards as collective decision-making bodies, unless an elected member has received delegations. The Mayor has distinct individual statutory functions, which are defined in section 9 of Local Government (Auckland Council) Act 2009 (LGACA).

3.4 Unless a withholding ground under clause 3.7 of this protocol applies, a good reason to access the information will exist where:

a) for any elected member, the information is relevant to and reasonably necessary for that elected member to properly perform their statutory functions in relation to any business reasonably expected to be transacted at a meeting of a decision-making body of which the member is a part such as the Governing Body, a Local Board or a Council committee;

b) for an elected member with delegated decision-making powers, the information is relevant to and reasonably necessary for that elected member to properly perform their statutory functions in relation to any decision that he or she will make under a delegated function; or

c) for the Mayor only, the information is relevant to and reasonably necessary for the Mayor to properly perform their statutory functions in relation to the Mayor’s distinct statutory functions in section 9 of LGACA.
Information required for representative duties under clause 3.2(b)

3.5 Unless a withholding ground under clause 3.8 of this protocol applies, a good reason to access the information will exist where the information is relevant to and reasonably necessary for an elected member to properly perform his or her representative duties, and the elected member seeks, in good faith, to access the information in order to represent his or her constituents, or the people of Auckland, in matters of Auckland’s local government.

3.6 For the avoidance of doubt, it will not be reasonably necessary for an elected member to access Council information to properly perform his or her representative duties under clause 3.2(b) if the information is sought by an elected member on behalf of a constituent. In such cases, the information should be sought by the elected member under LGOIMA.

Grounds for withholding information

3.7 Information that an elected member would otherwise have a good reason to access under clause 3.2(a) (required for statutory functions) may be withheld if:

(a) Section 6 of LGOIMA (conclusive reasons for withholding information) applies. This will be the case when making the information available to the elected member or Mayor would be likely to—

   (i) prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or

   (ii) endanger the safety of any person.

(b) The information is generated by or on behalf of an elected member, the Mayor or the Office of the Mayor, and a good reason to withhold the information under section 7(2)(f)(i) of LGOIMA exists. That will be the case when withholding the information is necessary to maintain the effective conduct of public affairs by protecting the free and frank expression of opinions.

3.8 Information that an elected member would otherwise have a good reason to access under clause 3.2(b) (required for representative duties) may be withheld if a good reason to withhold the information under section 6 or 7 of LGOIMA exists.

3.9 In all circumstances, information may not be withheld from the elected member under clauses 3.7 or 3.8 if the information could be made available to the elected member confidentially (under clauses 3.10-3.11 of this protocol) in a manner that:

(a) mitigates prejudice to the interests protected by the applicable withholding ground under section 6 or 7 of LGOIMA; and

(b) reasonably serves the elected member’s good faith reasons for seeking access to the information.

Manner in which access to information is provided

3.10 For any request made under this protocol, Council information that is not confidential must be made available in the way preferred by the elected member requesting it, unless to do so would impair efficient administration or be contrary to a legal duty of the Council.

3.11 For any request made under this protocol, confidential Council information must be made available by:
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(a) providing a copy of the information, with or without a distinguishing mark and/or a requirement that the copy be returned within a specified period;

(b) providing access to the information through an electronic portal;

(c) furnishing oral information about the information;

(d) giving the elected member or Mayor a reasonable opportunity to inspect the information; and/or

(e) giving an excerpt or summary of the information;

(f) and in all cases, if required to protect the privacy of natural persons, by providing the information with personal information redacted.

3.12 Any conditions placed on access to information in accordance with clause 3.10 above must be reasonably necessary to protect the interest that renders the information confidential, and take into account the circumstances and the nature of the confidentiality.

4 Requests for information under the “good reason” principle

Making a request

4.1 Elected members may seek access to Council information under this protocol by making a request in writing to the Chief Executive.

4.2 An elected member making a request for access to Council information must state in writing:

(a) whether the information is sought for the member to properly perform either:

(i) his or her statutory functions as a local decision-maker; (under clause 3.2(a)); or

(ii) his or her representative duties as a member of the Council (under clause 3.2(b)); and

(b) the circumstances that mean the information is reasonably necessary for that purpose.

4.3 By making a request under this protocol, an elected member agrees to abide by any restrictions regarding access to confidential Council information that are required by the Chief Executive under clauses 3.10 and 3.12.

Timeframe for response

4.4 After receiving a request under this protocol, the Chief Executive must make a decision as soon as reasonably practicable and in no case later than 5 working days.

4.5 In either case, the Chief Executive may extend the time for decision and response on a request by a further 5 working days if:

(a) consultations are necessary to make a decision on the request; or

(b) meeting the original time limit would unreasonably interfere with the operations of the Council.
4.6 If a request relates to business to be transacted at a Council meeting then the Chief Executive’s decision should, to the extent possible, be provided at least one working day before the meeting.

Consultations

4.7 If the information requested is held by an elected member, the Office of the Mayor or a statutory officer of the Council, the Chief Executive must consult with the person who holds the information before making a decision.

4.8 Where an elected member, the Office of the Mayor or a statutory officer of the Council holds information requested under this protocol, that person must provide that information to the Chief Executive to enable the Chief Executive to make a decision on the request.

Decision and response

4.9 The Chief Executive must make a decision and notify the elected member whether the information requested will be withheld or provided.

4.10 The Chief Executive’s response must inform the elected member of:

(a) whether any of the information requested is held as Council information and whether it is confidential Council information;

(b) the Chief Executive’s decision on whether access to the information is reasonably necessary for the elected member under clause 3.2(a) (required for statutory functions) or clause 3.2(b) (required for representative duties); and

(c) any withholding grounds that apply to the information requested;

(d) any conditions of provision of confidential Council information that will apply under clause 3.10.

4.11 If the information is to be provided to the elected member, the Chief Executive must enable the member to access the information in accordance with clauses 3.10 – 3.12.

4.12 If the Chief Executive considers the member does not have a good reason to access the information, the Chief Executive should ensure that the request is subsequently considered by the Council in accordance with LGOIMA. In these circumstances, the request must be treated by the Council as having been made under LGOIMA on the date that it was first made to the Chief Executive.

Challenging a decision of the Chief Executive

4.13 If any elected member is dissatisfied with a decision of the Chief Executive under this protocol, the elected member may refer the matter to a meeting of the Audit & Risk Committee.

4.14 To make such a reference, the elected member may ask that the Chief Executive place the matter on the agenda of the Audit & Risk Committee. Such a request must comply with clauses 2.52, 2.54 and 2.57 of the Audit & Risk Committee’s Standing Orders, as if the request were a notice of motion.

4.15 Once a matter is referred to the Audit & Risk Committee, the Audit & Risk Committee may resolve to either:
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(a) confirm the Chief Executive’s decision; or

(b) quash and remake the Chief Executive’s decision.

4.16 The Audit & Risk Committee must make its decision in a manner that is transparent and impartial, and must take into account the purposes of this protocol as set out in clause 1.

4.17 The decision of the Audit & Risk Committee is final.

5 Duty to maintain confidence

5.1 Elected members have a legal duty to maintain the confidentiality of any confidential Council information that is provided to them.

5.2 A failure to maintain the confidentiality of such information is a breach of this protocol and of the elected members’ Code of Conduct.
C. Election year policy

1 Summary

1.1 In an election year, elected members standing for re-election “wear two hats”. They continue to make the decisions of the Auckland Council and, as candidates, campaign for re-election.

1.2 If an incumbent elected member is standing for re-election, he or she must clearly and transparently differentiate between council “business as usual” and campaigning for re-election. This policy will assist elected members to manage this important distinction, particularly during any year in which a local government election is held.

1.3 Resources owned by the Auckland Council and made available to elected members should only be used for Auckland Council purposes. This applies at all times.

1.4 During an election year, the use of council resources for re-election purposes is unacceptable and possibly unlawful.

1.5 This policy is based on guidance from the Auditor General\(^7\).

2 Who does this policy apply to?

2.1 The policy applies to all Auckland Council elected members and advisory panel members.

2.2 The Independent Māori Statutory Board (IMS) and the boards of Council-Controlled Organisations are requested to note the relevant principles in this policy and apply them, as appropriate, to their boards.

3 Complaints about potential breaches of this policy

3.1 Complaints about potential breaches of this policy must be made in writing to Auckland Council’s chief executive who will consider each complaint on a case by case basis with reference to this and other relevant policies.

3.2 Complaints about the conduct of the elections are made to the electoral officer. If any complaint involves the use of council resources the electoral officer will bring the complaint to the attention of the chief executive\(^8\).

4 Principles

4.1 This policy is based on two complementary principles:

Principle 1: Resources owned by the Auckland Council and made available to elected members should only be used for Auckland Council purposes.

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\(^7\) “Good Practice for Managing Public Communications by Local Authorities” (Office of the Auditor-General).

\(^8\) Auckland Council Code of Conduct: Elected Members, para 7.9.3.
This applies at all times, not just during an election year.

**Principle 2:** The use of council resources for re-election purposes is unacceptable and possibly unlawful.⁹

4.2 This is consistent with the Auditor-General’s good practice guide and is specific to election year.

4.3 Elected members standing for re-election should clearly and transparently differentiate between council ‘business as usual’ and campaigning for re-election.

5 **General business of council continues during pre-election period**

5.1 The normal business of council continues during an election year, including during the pre-election period and elected members continue to have the right and responsibility to govern and make decisions.

5.2 During the pre-election period a heightened level of media and public scrutiny about council’s decisions and business can be expected. To assist elected members and council staff during this period, the governing body and each local board may choose to adopt certain limited restraints on business as usual. For example:

- as far as is reasonably possible, make significant decisions and provide direction to officers on any major issues prior to the pre-election period
- decide not to make major policy decisions or changes which will significantly impact on the incoming council during the pre-election period.

5.3 Choosing to adopt limited restraints on normal business during the pre-election period assists elected members and employees to manage any potential confusion which may occur between council’s business as usual and candidates’ campaign manifestos.

5.4 It is important to note that not all decisions should, or can, be made prior to the start of the pre-election period. The general principle is that business can continue as normal.

6 **Use of council resources**

6.1 If a sitting elected member is seeking re-election a clear and transparent distinction will be made between that member’s business-as-usual activities and the member’s campaigning activities.

6.2 Elected members can use council resources and technology only in their capacity as an elected member of Auckland Council and should use their own resources and technology in their capacity as an election candidate.

6.3 Council’s policy on the use of technology may allow limited personal use of council resources such as mobile phones, by elected members on the basis of reimbursing the council for any actual cost to the council.

6.4 In an election, the council does not supply any candidate with technology resources. Having access to a council resource could create an electoral advantage, regardless of

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⁹ Principle 12, “Good Practice for Managing Public Communications by Local Authorities” (Office of the Auditor-General).
whether there is an actual cost to the council. All candidates, including sitting members, should use their own resources for electioneering.

6.5 Mileage allowances will not be paid for any travel relating to electioneering\(^\text{13}\).

7 Use of mayoral resources

7.1 Council resources provided for mayoral use should not be used for any electioneering activities associated with any candidate.

7.2 If an incumbent mayor is seeking re-election a clear and transparent distinction will be made between that mayor’s business-as-usual activities and the mayor’s campaigning activities. An incumbent mayor seeking re-election will establish a separate office, with separate staff, for any campaigning activities.

7.3 The incumbent mayor’s office will establish systems and protocols to ensure that any information or other requests from the public, media, other elected members or council employees during the pre-election period are identified as either business as usual or campaign related and to ensure that these are kept separate and responded to appropriately.

8 Elected members correspondence

8.1 During the pre-election period normal day-to-day elected members’ official correspondence with their constituents on appropriate matters should not be inconsistent with the general principle that Auckland Council must not promote, nor be perceived to promote, the re-election prospects of a sitting member or any candidate for election.

8.2 Correspondence relating to any sitting member’s campaign for re-election should not utilise an Auckland Council email address, Auckland Council stationery or Auckland Council business card.

8.3 Business cards will not be renewed during the pre-election period.

9 Council communications

9.1 The use of Auckland Council communication resources for re-election purposes is unacceptable and may be unlawful\(^\text{11}\).

9.2 Criticism of an elected member or candidate for election by a sitting elected member is unacceptable in any council-funded communication.

9.3 Criticism of decisions of the governing body by any local board; criticism of decisions of any local board by the governing body; and criticism of decisions of any local board by another local board is unacceptable in any council-funded communication.

9.4 Auckland Council’s Communications Policy and the policies referred to in that document apply at all times.

\(^{10}\) Elected Members Expense Policy 1 October 2014, v 2.2 para 57.

\(^{11}\) Principle 12, “Good Practice for Managing Public Communications by Local Authorities” (Office of the Auditor-General). An intent of this section is to avoid elected members who are candidates using council funded communications as part of their campaign, whereas other candidates have to use their own resources.
9.5 Particular care will be exercised in the use of council resources for communications to ensure that they do not unreasonably raise, or could have the effect of unreasonably raising, the personal profile of any elected member or candidate for election in the community. This will include careful consideration of the tone, content and style of any communication to ensure that it is factual, accurate, complete, fairly expressed, and politically neutral.

9.6 During the pre-election period, the following communications must be authorised by Auckland Council’s chief executive, or his or her delegate:

- Council-funded communications
- Communications by or about elected members, in their capacities as spokespersons for council
- Events and speaking invitations.

9.7 Council-funded communications will include reference to the relevant council decision to which they relate. Communications from the mayor’s office will include reference to the relevant council decision to which they relate where such a resolution exists.

9.8 Photographs of elected members and content authored by elected members in council publications and advertising will be suspended during the pre-election period.  

10 Council support staff for elected members

10.1 Councillor Support Advisors provide dedicated support to councillors and Local Board Services staff provide dedicated support to local board members through local board offices. Such support continues for the purpose of assisting elected members to fulfil their responsibilities in conducting the business of Auckland Council.

10.2 Support staff will not provide any assistance relating to electioneering activities.

11 Neutrality of public servants

11.1 A major characteristic of New Zealand’s constitutional arrangements is that public servants are apolitical. This applies to public servants in local and central government.

11.2 Having a heightened awareness of the need for public servants to be seen to act with political neutrality does not mean the work of council is disrupted. All staff continue to support elected members in performing their role.

11.3 It does mean however, that during an election year and particularly during the pre-election period, additional care must be taken to ensure that activities are not seen, in any way, to support or preference one candidate over another.

11.4 This is particularly important with respect to activities such as media relations, advertising campaigns, responding to Local Government Official Information and Meetings Act 1987 requests, interaction with electoral candidates, public speaking engagements, appointment processes, programme and strategy launches and promotions, and the release of discussion documents.

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12 Statutory requirements for communications, such as the requirement to publish an Annual Report, will be managed to ensure existing members do not receive an electoral advantage. See para 4.32 “Good Practice for Managing Public Communications by Local Authorities”, Auditor-General.
11.5 The chief executive is responsible for setting appropriate election year protocols for staff.

12 Definitions

12.1 Council resources means council’s human resources; budgets; and council-owned, or controlled, property and other resources; including information technology and telecommunications devices. Auckland Council’s Elected Members Technology Policy applies during the pre-election period.

12.2 Electioneering means activity that relates exclusively to the campaign for the election of a candidate, and occurs solely in the candidate’s capacity as a candidate, and not in his or her capacity as a member of the governing body or local board.

12.3 Pre-election period means the three months prior to election day.

13 Related policies

13.1 The following policies continue to apply during an election year and should be read in conjunction with this policy:
  - Auckland Council’s Elected Members Code of Conduct Policy
  - Auckland Council’s Elected Members Technology Policy
  - Auckland Council’s Elected Members Expense Policy
  - Auckland Council’s Communications Policy

14 Operational protocols

14.1 This policy may be supplemented by more detailed operational protocols for the mayor’s office, local board members and council employees.

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13 Adapted from Local Electoral Act 2001 section 104.
14 Local Electoral Act 2001, section 104.
FAQ

1. **What if I receive an election-related call on my council mobile phone?**
   
   You should use a personal phone for election-related activities. Using a council mobile phone for all election communication is not appropriate. It will require you to list the council mobile phone number as your contact on your campaign material and this is also not appropriate. However, spending five minutes taking the call is not likely to affect the course of the election, give you an electoral advantage or be a cost to the council, but you should advise the caller to use your personal number in the future.

2. **Some of the opportunities that I have for attending to campaign activities occur between meetings at the council. It is not feasible for me to travel home to use my personal computer in order to draft a speech.**

   The underlying principle is that of electoral advantage. The issue is whether, by having access to a computer that you do not have to pay for, you are at an advantage over other candidates. You should use your own resources for election related activity. You may need to carry two laptops during the electoral campaign.

3. **The council provides local boards with Facebook pages. Am I able to make critical comments on these?**

   Yes. During the course of the term, some posts on council-provided Facebook pages are in the name of the local board. Other people may make personal comments and posts. If members continue to make personal comments during the election period, there is no electoral advantage. Any member of the public, including any candidate, has the same opportunity.

4. **What are the key dates for local government elections?**

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not less than 28 days before the</td>
<td>Nominations open</td>
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<tr>
<td>closing of the roll</td>
<td></td>
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<tr>
<td>57th day before election day</td>
<td>Nominations close, roll closes</td>
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<td>Three weeks prior to election day</td>
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<td>Term of office commences</td>
<td>Day after public notice of declaration of</td>
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   The pre-election period is three months prior to the election.
D. Communications policy

1 Definition of Communications

1.1 Communications means any communication by an elected member, the council, or an employee or office holder of a council, where:
- the council meets the cost (wholly or in part), or
- the person making the communication does so in an official capacity on behalf of the council.

1.2 Communications include:
- mandatory and discretionary communications
- communications in the council’s own publications and the news media generally
- Council-funded advertisements and other forms of publicity
- electronic (including website, e-mail, texting and social media) and hard copy publication
- speaking engagements, events and programme launches on behalf of Council
- communications undertaken for the purpose of research and community consultation and engagement.

1.3 This policy does not apply to communications by elected members using their own resources and making the communication in their personal capacity. Auckland Council’s Code of Conduct for Elected Members applies at all times.

2 Provision of communications

2.1 Auckland Council will fund communications to meet the needs of Auckland’s communities for information about the council’s role and activities.

2.2 Auckland Council’s communications will be consistent with the statutory purpose of local government and any other relevant statutory provisions.

2.3 Auckland Council will fund communications to consult and engage with Auckland’s communities. Auckland Council will provide fair and meaningful opportunities for Aucklanders to communicate their opinions to council to support democratic decision-making.

2.4 Auckland Council’s communications resource and support will be provided to divisions and departments of council to meet the needs of communities for information, consultation and engagement on council’s role and activities.

3 Protocols

3.1 Auckland Council’s communications will reflect decisions from meetings of the governing body, local boards, council committees and CCOs and will support Auckland Council’s strategic direction, brand and reputation.
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3.2 Auckland Council’s communications resource and support will be provided to elected representatives on issues where they have a mandated responsibility to communicate on behalf of the council. This may be on behalf of the governing body, a local board or as official council spokesperson for a particular issue.

3.3 In respect of events and speaking engagements, Auckland Council’s communications resource and support will be provided to the relevant elected members according to the scale and nature of the event or speaking invitation.

3.4 Auckland Council’s communications will comply with any applicable council policies and guidelines as to process, authorisation, style and content and be clearly attributed to Auckland Council as the publisher.

3.5 Auckland Council’s chief executive has overall responsibility for decisions on strategies and resourcing for communications in accordance the above and to meet the needs of Auckland communities for information, consultation and engagement on council’s role and activities.

3.6 Auckland Council’s communications will present information in an accurate, complete, fair, and politically neutral manner. Factual and explanatory information will be provided to foster understanding of issues.

3.7 Auckland Council communications will not promote, or be perceived to promote, the re-election prospects or personal profile of a sitting member or candidate for election. The use of council resources for election purposes is unacceptable.

3.8 Criticism of an elected member or candidate for election by an elected member is unacceptable in any council funded communication. Criticism of decisions of the governing body by any local board; criticism of decisions of any local board by the governing body; and criticism of the decisions of any local board by another local board is unacceptable in any council funded communication.

3.9 In any local government election year, the Auckland Council Local Government Election Year Policy will supplement this policy and should be read in conjunction with it.

3.10 The council may adopt other policies, protocols or guidelines that are relevant to the provision of communications and this policy should be read in conjunction with them.

4 Auckland Council’s Council Controlled Organisations

4.1 This policy is provided for the reference of Auckland Council’s substantive Council Controlled Organisations (CCOs). CCO boards are requested to consider adopting a similar policy.

PLACEHOLDER:

Other policies and guidelines that are relevant to communications are being reviewed for their suitability for inclusion here.
E. Media protocols

1 Responding to media

1.1 The media naturally has a keen interest in many aspects of council decision-making and service delivery. To fulfil its role it needs access to accurate, timely information. All elected members will receive approaches from the media for comment and should follow the following protocols:

- The mayor is the first point of contact for the official view of the governing body on any issue. When the mayor is absent matters will be referred to the deputy mayor or relevant committee chair. The mayor can also refer matters to the relevant committee or local board chairs.
- The local board chair (or their delegate) may comment on behalf of the local board in relation to local matters where decision-making, public consultation or advocacy is the responsibility of the local board.
- No other member of the governing body or local board may comment on behalf of the council unless they have first obtained the approval of the mayor or local board chair (depending on whether the matter relates to the governing body or a local board). See Auckland Council’s media policy.

1.2 Elected members may choose to respond immediately to media inquiries and assistance from the council’s communications team is available to ensure that media releases and responses are accurate. The News Media Policy outlines the support available.

1.3 Elected members can express a personal view to the media at any time. It should be made clear, however, that:

- they are not representing the views of the governing body or local board
- statements do not represent the majority view if they are contrary to a governing body or local board decision or council policy
- any media comment made in a personal capacity must also observe other requirements of the Code of Conduct, e.g. not disclosing confidential or legally privileged information, compromising the impartiality or integrity of staff, or denigrating other elected members.

1.4 Comments made by members in their personal capacity are not covered by the qualified privilege of those made during business meetings\(^\text{15}\).

2 Speeches

2.1 Help is available to elected members speaking on behalf of the council. This support may include drafting speeches or speaking notes. These will present information in a fair and politically neutral manner. Council communications assistance will not promote or be perceived to promote a sitting member’s re-election prospects or personal profile\(^\text{15}\).

\(^\text{15}\) Governance Manual 3.2.14
\(^\text{16}\) Governance Manual 3.2.14
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Legislation

F. Legislation relevant to the conduct of members

1 Introduction

1.1 This section summarises the core legal requirements that are applicable to elected members.

1.2 In addition to these core legal requirements, there are many other statutes relevant to certain council decisions (for example the Resource Management Act 1991 and the Reserves Act 1977).

2 Local Government Act 2002

2.1 The Local Government Act 2002 (LGA 2002) is the main Act that establishes the general legal framework for all local authorities in New Zealand, including Auckland Council. The LGA 2002 underpins a great deal of what the council does.

2.2 Clauses 14 to 17 of Schedule 7 of the LGA 2002 require elected members to:
   - make a declaration before acting as a member;
   - comply with a Code of Conduct; and
   - abide by Standing Orders.

2.3 The LGA 2002 also imposes a duty on elected members to enable council to perform its various powers and functions in accordance with the statutory purpose of local government, which is:
   - to enable democratic local decision-making and action by, and on behalf of, communities; and
   - to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.

2.4 The LGA 2002 gives the council its power of general competence, which broadly allows the council to make decisions that an ordinary person or body corporate could make, while carrying out the council’s role and purpose, within any statutory limits.

3 Local Government (Auckland Council) Act 2002

3.1 Elected members also make decisions in accordance with the Local Government (Auckland Council) Act 2009 (LGACA) which applies uniquely to Auckland Council. If there is ever any conflict between LGACA and the LGA 2002, LGACA takes precedence.

3.2 LGACA creates Auckland Council as a unitary authority, with decision-making responsibilities shared between the governing body (the mayor and 20 councillors) and 21 local boards.
3.3 The governing body focuses on the region-wide strategic decisions, making the most of the council’s size and ability to deliver regionally. There are some decisions that only the governing body can make, including setting rates, appointing the chief executive, making bylaws or adopting the council’s ten-year budget (the long-term plan).

3.4 The 21 local boards represent their local communities and make decisions on local issues, activities and facilities. Decisions made regionally by the governing body will inevitably have local impacts, and when making decisions, the governing body will consider views and preferences expressed by local boards.

3.5 The governing body and the local boards collectively comprise Auckland Council, and together with council-controlled organisations, comprise the Auckland Council group.

3.6 LGACA also sets out the responsibilities of Auckland Transport, Watercare (as an Auckland water organisation) and the Independent Māori Statutory Board.

4 Local Authority (Members’ Interests) Act 1968

4.1 The Local Authorities (Members’ Interests) Act 1968 (LAMIA) deals with financial conflicts of interest.

4.2 It prohibits elected members from taking part in discussion or voting in situations where an elected member has a direct or indirect financial interest, other than an interest in common with the public. LAMIA also provides that an elected member is disqualified from office if that member is concerned or interested in contracts under which payments made by or on behalf of the local authority exceed $25,000 in any financial year.

4.3 The same rules also apply where the member’s spouse, partner, company (depending on shareholding levels or the member’s position in the company) and possibly family trust, contracts with the authority or has a financial interest.

4.4 In some cases the Office of the Auditor-General can consider providing an exemption to an elected member so he or she may participate in a decision in which they have a financial interest or enter into a contract with the council valued at over $25,000.

4.5 Failure to comply with LAMIA could result in an elected member being prosecuted and disqualified from office.

4.6 For advice on compliance with LAMIA, elected members should review the Office of the Auditor General Guidance for members of local authorities about the LAMIA and/ or seek advice from the Office of the Auditor General or independent legal advice.

5 Local Government Official Information and Meetings Act 1987 (LGOIMA)

5.1 The Local Government Official Information and Meetings Act 1987 (LGOIMA) determines how council meetings are conducted (including in relation to excluding the public from meetings), and how the council uses and releases the information that it holds.

5.2 LGOIMA provides for:

- access by the public to information held by the council, with limited grounds on which the council can decline a request;
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• transparency and accountability in decision-making through providing for public
admission to meetings of local authorities (unless there is good reason to restrict public
access for a particular agenda item or items);
• establishment of procedures for the achievement of these purposes; and
• a process for members of the public to complain to the Ombudsman if they are
dissatisfied with the council’s response to a LGCIMA request.

6 Health and Safety at Work Act 2015

6.1 The purpose of the Health and Safety at Work Act 2015 (HSAW Act) is to protect the health
and safety of workers at their workplaces. It sets out key health and safety duties for the
council and for people in positions of leadership, influence, or responsibility in the
workplace and for workers and for other people. The HSAW Act sets out some compulsory
health and safety requirements, and creates offences and penalties for failing to meet those
requirements.

Due diligence

6.2 Elected members have a personal and individual duty of due diligence to ensure that the
council complies with its obligations under the HSAW Act. This is analogous to what might
be expected of a company director with a company’s financial statements. An elected
member cannot delegate the exercise of this duty to anyone else. There are six aspects to
the due diligence duty:
• to be familiar and keep up to date with health and safety knowledge and matters for the
council;
• understand the council’s operations and the associated hazards and risks;
• ensure that the council has appropriate resourcing and processes to eliminate or
minimise risks to health and safety;
• ensure the council has appropriate processes for receiving and considering information
regarding incidents, hazards, and risk and for responding to the information in a timely
way;
• ensure the council has and implements processes for complying with its duties; and
• verify the provision and use of resources and processes through reviews and audits.

6.3 Staff support elected members to comply with their duty of due diligence. Part of that
support includes training and regular health and safety information reporting at governing
body committee meetings and local board meetings.

7 Secret Commissions Act 1910

7.1 Under the Secret Commissions Act 1910 it is unlawful for an elected member (or officer) to
take bribes, or to use their position for improper gain. If convicted of any offence under this
Act a person can be imprisoned for up to 2 years or fined up to $1,000, or both, and the
member would be disqualified from office.
8 Crimes Act 1961

8.1 Under the Crimes Act 1961 it is unlawful for an elected member (or officer) to:
- corruptly seek or accept a bribe or reward (for himself or herself or for anyone else) for doing, or not doing, something in his or her official capacity as an elected member; or
- use information gained in the course of his or her duties for his or her, or another person’s, monetary gain or advantage.

8.2 These offences are punishable by a term of imprisonment of 7 years or more, and would result in the member being disqualified from office.

9 Financial Markets Conduct Act 2013

9.1 The Financial Markets Conduct Act 2013 (FMC Act) aims to promote a fair, efficient and transparent financial market. It imposes a number of responsibilities on those who offer, deal and trade in financial products (including bonds issued by the council), especially in relation to what sort of information must be provided to potential investors when investment offers are made. An elected member may be personally liable when approving council documents relating to offers of securities if the documents contain false and materially misleading statements and the member knew this, or was reckless in approving any such documents.

9.2 The FMC Act places limits on elected members using confidential information relating to certain proposed council transactions. For example, where council debt securities are listed on a registered stock exchange, then elected members cannot use (or benefit from) information that is not generally available to the public. This applies to the council’s bonds listed on the NZX Debt Market. Elected members must consider the risks of insider trading and the failure to disclose relevant interests in the council’s bonds. Failure to comply with the FMC Act could lead to a criminal conviction, and therefore disqualification from office.

10 Public law decision-making principles

10.1 There are public law principles that elected members must keep in mind when making decisions. These principles are enforced by the High Court by way of judicial review. Broadly, public decision-makers are required to act lawfully, fairly, and reasonably.

10.2 The concept of acting lawfully includes:
- having the necessary power to make the decision;
- acting in accordance with the purpose of the power being exercised, and within the scope of the discretion granted to the decision-maker;
- taking into account all relevant considerations and ignoring any irrelevant considerations; and
- exercising independent judgement in making the decision rather than “rubber-stamping” the recommendation of another person.

10.3 The concept of acting fairly includes:
- ensuring a proper process is followed, including consulting where appropriate;
- being unbiased and free from conflicts of interest;
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- fairly considering all relevant views put forward and not predetermining the decision (that is, making a decision before considering all relevant views or considerations);
- complying with the public’s legitimate expectations (for example, keeping a promise to do something in a particular way that has been relied on); and
- complying with any applicable principles of natural justice.

10.4 The concept of acting reasonably includes:
- ensuring the decision is rational, based on legitimate reasons and is one that a reasonable decision-maker could make; and
- ensuring the decision is proportionate to the purpose being served by the decision.

11 Council decision-making requirements

11.1 The LGA 2002 and LGACA set out the basic procedural decision-making requirements applying to council decision-making. For each decision, the governing body and local boards can decide how to fulfill these requirements. The more significant a decision is, the stricter the compliance should be.

11.2 These requirements are (in summary):
- to identify all reasonably practicable options for achieving the decision’s purpose and assess the advantages and disadvantages;
- to consider the views and preferences of people likely to be affected by, or have an interest in, the decision (this does not require the council to undertake consultation);
- to conduct any consultation in accordance with the principles outlined in the legislation;
- to identify any significant inconsistency between the decision and any of the council’s policies or plans, and to provide reasons for the inconsistency;
- to establish processes to provide opportunities for Macri to contribute to decision-making, including providing relevant information for that purpose;
- for the governing body to consider the views and preferences of local boards if the decision may affect their responsibilities or operation or the well-being of their communities; and
- for local boards to cooperate with each other when the interests of their areas are better served by doing so.

12 Personal liability of elected members

12.1 Members of the council (including local board members and appointees to council committees or other subordinate decision-making bodies) are indemnified by the council for the following:
- costs and damages for any civil liability, as long as the member was acting in good faith and was carrying out responsibilities or powers of the council (or relevant committee or other subordinate decision-making body); and
- costs arising from any successfully defended criminal action relating to acts or omissions in his or her capacity as a member.

Personal liability for losses incurred

12.2 Elected members may be liable (jointly and separately) for the losses of the council where the governing body or local board has:
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- unlawfully spent money;
- unlawfully sold or disposed of an asset;
- unlawfully incurred a liability; and/or
- intentionally or negligently failed to enforce the collection of money it is lawfully entitled to receive.

12.3 Members are only liable for these types of losses if the Auditor-General issues a report on the loss to the Minister of Local Government.

12.4 An elected member will have a defence (and will not be liable) if they can prove the act (or failure to act) that resulted in the loss occurred:
- without their knowledge;
- with their knowledge but against their protests made at or before the time when the loss occurred;
- contrary to the manner in which they voted on the issue at a meeting; or
- in circumstances where they acted in good faith and relied on reports, information, or professional/expert advice given by a council staff member or a professional adviser or expert on matters that the elected members reasonably believed were within the person’s competency.

12.5 A local board member can be liable only in respect of a matter that is the responsibility of their local board.
External documents

G. Governance roles and responsibilities

1 Mayor of Auckland

1.1 The mayor is responsible for articulating and promoting a vision for Auckland, and providing leadership to achieve this vision. Auckland’s mayoral role also involves:
- leading the development of region-wide council plans, policies and budgets (including the annual plan and long-term plan)
- ensuring effective engagement between Auckland Council and the people of Auckland
- appointing the deputy mayor
- establishing committees of the governing body and appointing the chairperson for each of those committees. (The mayor is a member of the governing body and each of its committees).

1.2 The mayor is supported by the mayoral office and has a budget allocated for this.

2 Role of governing body

2.1 The governing body comprises the mayor and 20 councillors elected by voters from the 13 wards they represent. It focuses on the big picture and Auckland-wide strategic decisions.

2.2 Section 17 of the Local Government (Auckland Council) Act 2002 requires the governing body to allocate decision-making responsibilities for non-regulatory activity to either the governing body or local boards.

2.3 The role of the governing body includes:
- making decisions on Auckland-wide activities (such as regional facilities and events)
- regulatory activities of Auckland Council (such as the Unitary Plan, resource and building consents, and bylaws)
- setting regional strategies, policies and plans (such as the Auckland Plan, Auckland’s Economic Development Strategy, and the Waste Management and Minimisation Plan)
- emergency management, including rural fire services.
- ensuring compliance with the financial management requirements of the Local Government Act 2002 (including the annual plan, the long-term plan, financial policies and rating)
- buying and selling assets
- governance of council-controlled organisations (CCOs)
- appointing the chief executive
- setting transport objectives and transport funding for Auckland.

17 From the Elected Member Handbook published through Kura Kawana
3 Role of local boards

3.1 The 21 local boards represent the communities of Auckland, with between five and nine members elected to each board. They are responsible for decision-making on local issues, activities and services, and provide input into regional strategies, policies and plans.

3.2 Local boards also:
- adopt local board plans every three years in consultation with their communities
- agree annual local board agreements (with the governing body)
- agree and oversee annual work programmes
- engage with and represent their communities.

4 Role of elected members

4.1 Elected members have different roles and responsibilities. They are elected to represent communities in their area and make decisions for and on behalf of those communities. In practice, this can include dealing with queries and issues from constituents, exploring the impacts of a particular proposal, developing policy and plans, reviewing council decisions, working with other elected members, chairing committees, representing the council’s view to central government, engaging with the public, iwi, other stakeholders, making decisions on the use of council land, and agreeing on budgets and council priorities.

4.2 Members are active within the communities they represent. This includes belonging to community organisations and owning property. When making decisions as elected members, they must take care that they are acting, and are perceived to be acting, in the interests of their community and the public, not their own interests.16

4.3 Elected members have two key roles, and at times they will need to carefully balance these:
- as a member of the governing body or local board - making decisions on a range of matters
- as a representative of the community - elected members represent Auckland’s diverse communities as a region and in local board areas.

Role of councillors

4.4 The following provides an outline of the councillor role.17
- Provide regional strategic leadership and direction
- Make decisions on regional matters that take into account social, cultural, environmental and economic matters for the benefit of all Aucklanders, both now and in the future
- Make financially responsible decisions that ensure Auckland Council has a sound financial future
- Act in the interests of the whole region while at the same time representing their ward. Where there is a conflict, the Councillor is required to act in the best interests of the region, which is what Councillors promise to do when they make their statutory declarations.

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16 Governance Manual 3.1
17 All the following is from Kura Kāwana, September 2017
• Work collaboratively with other councillors, the mayor’s office, the local boards, the Independent Māori Statutory Board and the advisory panels and create a strong working relationship with council’s executive leadership team and the council-controlled organisation executive teams and board members
• Engage with communities, be aware of and interested in ward issues, including attend local events, meetings and local board meetings and respond to requests from constituents

Role of the committee chair

4.5 In addition to the above
• Provide leadership and inspire the committee to achieve its priorities
• Encourage an environment of collaboration and respectful debate
• Represent the committee, and the wider Auckland Council, on the committee’s work
• Develop a strong working relationship with key stakeholders and senior council staff
• Chair committee meetings efficiently and in accordance with standing orders, terms of reference, and the elected members’ code of conduct
• Promote and support the principles of good governance
• Ensure committee members understand what is expected of them, monitor their performance and hold them to account (noting that the Mayor plays this leadership role for the governing body as a whole)

Role of local board members

4.6 The following provides an outline of the local board member’s role:
• Provide civic leadership locally; make a positive difference to communities and shape local places
• Make decisions without bias on local matters, for the benefit of the whole community (not just particular groups) and for both current and future generations
• Work with the community to set local direction and deliver priorities
• Provide views to the governing body to inform their regional decisions, including input to regional strategies, policies and plans
• Build relationships and work collaboratively with other local boards, the governing body and the mayor, and with the council family, including council staff and council-controlled organisations
• Promote strong, resilient and engaged communities; develop relationships and work with the local communities, including mana whenua, matawaka and the range of people, groups, organisations and businesses in the area.

Role of the local board chair and deputy chair

4.7 The chair and deputy chair collectively form the leadership team for the local board.

4.8 In addition to the local board member role, the local board chair has the following roles:
• Provide strong leadership and inspire the local board
• Build and maintain relationships to develop a collegial local board that is able to work effectively together and reach consensus to deliver the local board’s vision and priorities
• Be accountable for the local board relationship with iwi (chief-to-chief)
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- Develop a strong working relationship with key stakeholders and senior council staff
- Chair local board meetings effectively abiding by standing orders and the code of conduct
- Represent the local board, and the wider Auckland Council as appropriate, including in a civic and community role (such as citizenship ceremonies) and as the spokesperson to the media
- Promote and support the principles of good governance
- Work with the governing body and council committees to provide local board input to regional decisions and to regional strategies, policies and plans
- Ensure local board members understand what is expected of them, monitor their performance and hold them to account

4.9 In addition to the local board member role, the local board deputy chair has the following roles:
- Assume leadership responsibility for chairing local board meetings and workshops (in the absence of the Chair, or as agreed with the Chair).
- Work with the Chair to provide strong and inspiring leadership to the local board
- Promote the principles and processes of good governance and decision-making
- Share the leadership responsibility for representing the local board at civic, community and council events and with the media (in the absence of the Chair, or as agreed with the Chair).
- Undertake specific decision-making roles and activities as delegated by the local board.

5 Protocols for working together

Respecting each other’s roles and the Auckland Council governance model

5.1 All elected members are the unified face of the council in public and celebrate local and regional successes together. Governing body members and local board members respect the roles that each undertakes within the shared governance arrangement and maximise opportunities to build relationships and work together where appropriate.

5.2 All elected members accept that local board and governing body decisions are decisions of Auckland Council, and will only make decisions on matters that are within their respective decision-making responsibilities.

5.3 Elected members agree meeting procedures and give each other opportunities to speak and give input at each other’s meetings, we acknowledge and respect each other when attending meetings. Joint workshops, working parties and briefings between governing body and local board members are encouraged.

5.4 Elected members are well informed of and are open about issues with each other. They keep each other in the loop on relevant constituent issues for information and as a matter of courtesy. To better inform regional decision-making, local board members support governing body members to engage with local communities and learn about areas of the region other than their ward.

5.5 Elected members earn community respect by showing respect to each other in public and engaging with the community together, including sending joint communications where possible.
Social media

5.6 Elected members respect one another and the council on social media and only post what they would be prepared to say face-to-face to one another. Elected members are free to express their personal views. However, when stating a personal view, they must be clear that it is not council policy.

5.7 When publishing on social media, elected members think of the impact and consequences before publishing, focus on issues rather than personalities and use facts. They show respect to each other by deleting or responding with moderation to inappropriate posts made about each other on the pages or channels that they administer.

6 Engaging with the public

6.1 Traditionally members interact with the public in two ways:

- Governance decision-making - many governance decisions require consideration of the views of those affected or interested in the decision. This can include giving the public the opportunity to comment on council proposals and ensuring those comments are carefully considered prior to a decision being taken. More detail on how the council consults its communities can be found in the Significance and Engagement Policy. See also Section 10: How council decisions are made.

- Constituency role - members of the public are free to contact an elected member with questions, queries or complaints. Depending on the issue, the public could contact a local board member, a ward councillor or the mayor. In general, if an issue is purely local it is best to approach a local board member; if an issue is of regional consequence it may be more appropriate to approach a ward councillor or the mayor.

6.2 Elected members should act in a manner that encourages and values community involvement in local democracy [1].

6.3 The mayor has an important statutory role in leading council engagement with the public. In addition to the role shared with all other elected members, the mayor is charged with ensuring there is effective engagement between the council and the people of Auckland (including those too young to vote, of different ethnicities, cultures, interests and location) [2].

6.4 Local boards have a statutory role to engage with their communities as part of their role to make decisions on local matters, provide local leadership and support strong local communities [3].

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H. Working with staff

1 Role of the chief executive

1.1 The Local Government Act requires the governing body to appoint a chief executive and cannot delegate the decision to a smaller group. The chief executive is the only employee directly appointed by the governing body. All other employees are appointed by the chief executive [1].

1.2 Elected members need to be aware that their position can come across to junior staff members as having more power than they individually possess [2]. As governors, elected members should interact mainly with senior staff or designated staff providing them with advice or support.

1.3 A healthy and productive relationship between governance and management, and between decision-making by elected representatives and operational activity, is essential to an authority’s effectiveness. Problems in this relationship can have a significant effect on all levels of the organisation.

1.4 The chief executive, who is appointed and employed by the governing body, is responsible for employing council staff, implementing governing body and local board decisions, and providing advice to the governing body and local boards.

1.5 Elected members and the chief executive need to have a clear and shared understanding of their different roles and responsibilities. In broad terms, the elected members have a governance role and the chief executive is responsible for managing the organisation and implementing governance decisions. However, in practice it is not always easy to identify where the line falls.

1.6 The Auditor-General has commented on the difference between local authority governance and operational roles:

“[Having a] representational role and connection with the community is part of the role of an elected member, but so is the responsibility for steering and governing a substantial organisation with complex responsibilities.”

“The governance role is about maintaining the broad view. It is about setting direction and policy, making significant decisions, testing advice to ensure that it is sound, monitoring the activities of management to ensure that what is being implemented will achieve the objectives, keeping an eye on risks of all kinds, and safeguarding the overall quality of the relationship between a council and its community. When members of a governing body become too involved in operational matters, the risk is that nobody maintains the broad view for the organisation and checks that the overall direction is still appropriate...”

1.7 Elected members should not play too limited a role or leave too much to managers, nor should they get too involved in day-to-day managing. Both situations create risks.
2 Our Charter

2.1 The chief executive and the executive leadership team have adopted a charter, “Our Charter”, which forms a basis for staff conduct.

2.2 Our Charter consists of six principles:
   - We honour te Tiriti o Waitangi
   - We make this a great place to work
   - We look after our money and assets
   - We look after people we serve
   - We look after our information
   - We look after our safety and wellbeing

2.3 The charter’s principles have associated guidelines which provide more detail.

2.4 “Our Charter” has been adopted in a context of “Speaking Up”. Speaking up is:
   - asking for advice
   - asking questions
   - suggesting improvement
   - sharing a concern
   - reporting wrongdoing.

2.5 Staff are expected to speak up about any observed wrong-doing
I. Expenses policy

AUCKLAND COUNCIL
ELECTED MEMBERS' EXPENSE POLICY

November 2016

Adopted by the Governing Body on 10 November 2016 (GB/2016/252)
Approved by the Remuneration Authority on 29 November 2016

V 1.1
Version control

V1.0 – Presented to the Governing Body on 10 November 2016.

V1.1 – Adopted by the Governing Body on 10 November 2016. Amended from V1.0 to reflect minor changes requested at the Governing Body meeting in sections 5.3, 5.6, 5.10, 5.11 and 8.3.

– Approved by the Remuneration Authority on 29 November 2016
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Item 16

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1 Purpose and scope

1.1 The purpose of this policy is to:

- identify elected members’ allowances and entitlements
- explain the approval process for reimbursement of expenses incurred by elected members whilst undertaking their duties.

1.2 Auckland Council’s Democracy Services Department administers this policy. For queries on the policy please contact:

Jo Iles
Business Hub Manager
Democracy Services
MOB: 027 207 0893
jo.iles@aucklandcouncil.govt.nz

1.3 Other Auckland Council documents containing information relevant to this policy include the:

- elected members’ code of conduct
- elected members’ technology policy
- catering policy
- fleet vehicle policy.

1.4 This policy may be reviewed regularly and is current until superseded.
2 Overarching principles

2.1 The guiding principles for expenditures are those contained in the Office of the Controller and Auditor-General good practice guide “Controlling sensitive expenditure: Guidelines for public entities”. The expenditure should be subject to standards of probity and financial prudence that are to be expected of a public entity and able to withstand public scrutiny, both perceived and actual.

2.2 Elected members may incur expenses while on council business, for which they can be reimbursed. Reimbursement and use of council-supplied resources apply only to elected members personally, and only while they are acting in their official capacity as elected members.

2.3 To be reimbursable, expenses must:

- have a justifiable council-related business purpose; council business means representing the council at formal council meetings, committee meetings, workshops, seminars, statutory hearings, training courses, site visits, meetings with staff, meetings with community groups and meetings with members of the public. It does not include events where the primary focus is on social activity or electioneering
- be moderate and reasonable having regard to the circumstances, i.e. able to pass the test of being prudent use of ratepayers’ money under public scrutiny
- be actual and justified by an original tax receipt
- be approved by the relevant authoriser
- be within relevant budget provisions
- be presented on the approved Auckland Council claim form and signed as true and correct
- be consistent with the rules set by the Remuneration Authority, who has responsibility under the Local Government Act 2002 to determine remuneration, expense and allowance rules for local authority members.

2.4 Transparency and accountability guide the reimbursement of elected members’ expenses. The council’s internal audit work programme includes annual testing of expense claims and allowances paid to elected members and staff. External auditors also regularly review elected members’ expenses. To ensure transparency, Democracy Services publishes elected members’ remuneration, expenses, mobile technology and professional development costs on the council’s website on a quarterly basis. The information is located at:
ntatives/Pages/home.aspx

3 Allowances and benefits

General provisions

3.1 Each year, the Remuneration Authority sets the base remuneration and allowances for all Auckland Council elected members. The Remuneration Authority Determination can be found at:
3.2 The Remuneration Authority has authorised Auckland Council to extend its flu vaccination employee benefit to elected members. Elected members can book this service through the intranet when it is made available to staff every autumn.

3.3 The Remuneration Authority has specified that other staff benefits cannot be provided to elected members.

Communication technology

3.4 Members who choose not to take council communication technology may receive the allowances set out in the Remuneration Authority Determination. These will be automatically paid pro rata in the elected members’ fortnightly payment cycle.

3.5 The council will not pay the allowance if an elected member’s private hardware and software are outdated and/or incompatible with Auckland Council’s systems. This is because in this case Auckland Council cannot provide the information and support needed for the elected member to perform his/her duties.

3.6 Rules governing the use of council equipment are set out in the Auckland Council Elected Members’ Technology Policy.

4 Travel rules and processes

Booking travel

4.1 All travel-related bookings are arranged via Democracy Services or Local Board Services support staff.

4.2 Travel should be booked as far as practical in advance of the actual travel date to enable best price to be obtained.

Travelling and mixing business and private travel

4.3 The council will pay for the Mayor’s partner to accompany the Mayor when his/her partner is also taking part in council business.

4.4 The council will not pay for any other elected member’s partner or family member to accompany them on council-related travel.

4.5 Democracy Services and Local Board Services support staff can arrange bookings for family members of an elected member if they are travelling together provided a personal credit card is given for payment at the time of booking.

4.6 Elected members can have a stop-over or undertake private travel before, during or at the end of travel paid for by the council provided there is no additional cost to the council. They can also vary their route for private travel at their own expense. They must pay the cost of any private travel before travel is undertaken.

4.7 If the duration of the business trip extends over a weekend, elected members may return home for the weekend, provided the cost of doing so is less than the cost of staying.
5 Land and sea transport

5.1 In accordance with the Remuneration Authority determination the Mayor can be provided with a vehicle for full business and private use.

Parking at home office

5.2 Parking is provided at no cost to elected members at their main place of work: for Governing Body members at the Head Office of Auckland Council, for Local Board members at their Local Board office.

Travel around Auckland

5.3 Elected members are expected to use public transport, their private car or council vehicles when on council business, noting that Auckland Council promotes public transport and cycling as the preferred ways of moving around Auckland.

5.4 For public transport, including ferry, elected members are encouraged to use a HOP card, then print their account statement from the HOP card website and highlight any transaction for which they are seeking reimbursement.

5.5 Road tolls and parking fees incurred when on council business will be reimbursed.

5.6 If elected members use their private car, mileage allowances will be reimbursed according to the rules set out in the Remuneration Authority Determination, at the maximum rate. To satisfy the Inland Revenue Department’s requirements, mileage payments are subject to deduction of tax at the appropriate rate.

5.7 Elected members’ use of private vehicles on council business is not covered by the council’s insurance.

5.8 For the avoidance of doubt an elected member is not required to be a member of a committee or sub-committee to claim mileage for attendance.

5.9 Mileage expenses for elected members conducting District Licensing Committee business are subject to the rules for District Licensing Committee members set up by central government.

Taxis and rental cars

5.10 Taxis are not the preferred mode of transport around Auckland because of cost. However, a taxi or a car sharing or pooling scheme can be used for safety/security reasons or if other means of travel are more costly, impractical or an inefficient use of time. If using a taxi or a car sharing or pooling scheme, elected members must pay for the fare and claim the cost, detailing the reason for use.

5.11 A rental or private car can be used by elected members for work-related travel outside the Auckland region if other means of travel are more costly, impractical or an inefficient use of time. The class of the car should be the most economical considering the requirements of the trip (e.g. length of journey, number of passengers).

5.12 Rental cars hired for council business are not to be used for personal travel.
5.13 The council’s insurance policy provides insurance for the use of rental cars anywhere within New Zealand. It is not necessary to purchase further insurance from the rental agency.

5.14 Rental cars must be refilled with fuel before returning them to avoid the high refuelling charges of hire companies.

6 Air travel

6.1 Elected members can fly with any airline provided the flight booked is at best value for the council and scheduled to best meet the business needs of the elected member. Flight choice will not be influenced by the elected members’ own airline loyalty memberships.

6.2 All travel is economy class. An elected member can upgrade to business class in instances when he/she will fly more than six hours continuously and will be engaged in council business within 24 hours of arrival. If upgraded, the elected member must not convert the whole, or part of, the ticket into cash or any other benefit and travel on a cheaper ticket class.

6.3 The council will pay one airline club membership for the Mayor and Deputy Mayor given their frequent travel needs. The council will not pay for any other airline frequent flyer or club membership.

7 Accommodation

7.1 Auckland Council is able to procure preferential public sector rates at many New Zealand and Australian hotels. These rates are significantly lower than standard rates offered to business customers and are often lower than rates offered through conference organisers. For this reason all accommodation, including that for conferences must be booked through Democracy Services and Local Board Services support staff.

7.2 Accommodation reserved should be of the standard business range. Staff will advise about options.

7.3 Elected members’ responsibilities include:

- checking the accuracy of the accommodation account when checking out
- signing the account to indicate it is correct
- retaining a copy of the accommodation account for reconciliation purposes.

7.4 When travelling on council business an elected member may stay in private accommodation. When this occurs the elected member can be paid an allowance of NZ$60 including GST per night to cover accommodation, breakfast and dinner expenses. This allowance is intended to be paid to the accommodation provider to cover at least a portion of the costs he/she may incur.

7.5 Elected members sometimes attend evening events as official representatives of Auckland Council. If the event will conclude after 10.30pm and travel back to the elected member’s residence is impractical, the council will reimburse the cost of overnight accommodation at a standard business range hotel or motel.

7.6 Whenever practical the elected member should obtain prior written approval.
8 Travel expenses

Travel expenses reimbursed

8.1 The business-related travel expenses outlined in the table below will be reimbursed by Auckland Council when an elected member is away from his/her home for one night or more.

8.2 Expenses are only payable for days the member is on official business, including a weekend if official business requires this.

8.3 For overseas travel, reimbursable expenses are subject to the daily expense guideline rates for the country of travel. Guideline rates are published on the council intranet. The council uses the guideline rates of Ministry of Foreign Affairs and Trade.
<table>
<thead>
<tr>
<th>Expense</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meals</td>
<td>On the basis of actual and moderate expenditure, or according to the daily rates for international travel</td>
</tr>
<tr>
<td></td>
<td>Meal expenses cannot be claimed if:</td>
</tr>
<tr>
<td></td>
<td>• a complimentary meal is provided by an airline</td>
</tr>
<tr>
<td></td>
<td>• a meal is prepaid through an accommodation package (e.g. hotel breakfast)</td>
</tr>
<tr>
<td></td>
<td>• the cost of the meal is included in the cost of a seminar or conference</td>
</tr>
<tr>
<td></td>
<td>• Elected members are entertained by their hosts</td>
</tr>
<tr>
<td>Entertainment</td>
<td>Before travel, any anticipated entertainment events must be specified on the travel booking form and must at all times be directly related to council business — see section 11</td>
</tr>
<tr>
<td>Alcohol</td>
<td>The council will not pay for any alcohol, except for the approved entertainment of third parties — see paragraph 11.9. However such expenditure is regarded as sensitive expenditure and accordingly should be at a moderately-priced level to avoid any perception of lavishness</td>
</tr>
<tr>
<td>Car parking</td>
<td>Airport parking if it is more economical for the elected member to leave his/her car at the airport rather than take a taxi or using car sharing and pooling schemes</td>
</tr>
<tr>
<td>International driver’s licence fee</td>
<td>If a rental car is used as part of the trip</td>
</tr>
<tr>
<td>Telephone and data expenses</td>
<td>Short calls home from overseas</td>
</tr>
<tr>
<td></td>
<td>Prudent data usage to access emails and the internet overseas</td>
</tr>
<tr>
<td></td>
<td>Calling from overseas can be expensive from hotels or roaming cell phones and should be kept to a minimum. Democracy Services Business Hub staff will advise on the most cost effective way to call home, which may include a calling card</td>
</tr>
<tr>
<td>Laundry</td>
<td>Actual and required laundry expenses</td>
</tr>
<tr>
<td></td>
<td>- for trips in excess of three days</td>
</tr>
<tr>
<td></td>
<td>- if an accident necessitates it</td>
</tr>
<tr>
<td>Tips (gratuities) – International travel</td>
<td>In some countries tipping airport baggage handlers, taxi drivers, hotel porters and waiters/waitresses is expected. The council will reimburse moderate tips only where tipping is local custom. It is accepted that the elected member will not have receipts for these, but a record should be kept to accompany any claim</td>
</tr>
<tr>
<td>Visa and vaccination fees</td>
<td>If needed for travel to some international countries</td>
</tr>
</tbody>
</table>
Travel expenses not reimbursed

8.4 The council will not reimburse any of the expenses listed in the table below.

<table>
<thead>
<tr>
<th>Expense</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mini-bars</td>
<td>Any alcohol items consumed from mini-bars</td>
</tr>
<tr>
<td>Movies</td>
<td>Any in-room movies</td>
</tr>
<tr>
<td>Traffic infringements</td>
<td>Any speeding fines and any other traffic infringement notices incurred while on council business</td>
</tr>
<tr>
<td>Passport application fees</td>
<td>Elected members are responsible for obtaining or renewing their passport and ensuring that it will not expire within six months following the return date of travel</td>
</tr>
</tbody>
</table>

Other international travel expenses

8.5 Elected members undertaking international travel should use their personal credit card and submit an expense claim on their return. However, in countries where credit cards are not widely accepted and cash is needed for incidental expenses (e.g. taxi fares), cash advances can be issued. Support staff from Democracy Services and Local Board Services will coordinate these requests on the elected member’s behalf.

8.6 Cash advances are kept as low as possible to ensure compliance with Auckland Council’s cash handling procedures, which aim to minimise risks of theft and loss. In any event the maximum cash advance cannot exceed the expected total cost of daily meals and incidentals.

8.7 On return all cash advances and foreign exchange must be reconciled within 10 working days. The reconciliation, together with all receipts and unspent cash, should be returned to Democracy Services or Local Board Services support staff.

Upgrades

8.8 If an elected member accepts airline, accommodation or any other upgrades while travelling on council business, he/she must declare them in accordance with the Elected Members’ Code of Conduct.

9 Travel insurance

Coverage

9.1 The council’s travel insurance policy covers all travel in New Zealand and overseas. It covers an elected member who travels to represent the council for periods not exceeding three months, and performs ‘low risk’ work activities such as marketing and representation functions. The insurance also covers the Mayor’s partner if he or she is approved to travel with the Mayor – see paragraph 4.3. Partners accompanying the elected member in a private capacity are not covered.

9.2 The primary travel purpose must be council business. The travel insurance extends to provide cover for normal tourist and holiday activities that form part of or are added to the business trip, provided the council business-related portion of the travel is substantially larger than the portion allocated to personal or holiday activities.
9.3 The travel insurance certificate details the types of cover provided and the monetary limits of the cover. Auckland Council’s travel coordinator can provide detailed information on any aspect of the insurance cover. There is no cover under this travel insurance for any loss or event or liability which is covered under any other insurance policy, Act of Parliament or reciprocal health agreement between governments.

9.4 The council’s insurance policy provides cover for the use of rental cars both in New Zealand and overseas.

Provisions for pre-existing medical conditions

9.5 The travel insurance may not provide cover for medical expenses incurred for the treatment of an injury or sickness the traveller is suffering prior to the departure date of travel. Should elected members suffer from a serious condition or be aware of a pre-existing injury or sickness that may necessitate treatment whilst overseas, specific arrangements must be made with the insurer to confirm whether or not cover for treatment will be provided.

Claims procedure

9.6 If an event gives rise to a claim, the traveller must immediately follow these steps:

- Do as much as they can to prevent any further loss or expense.
- If the traveller is to be hospitalised, evacuated or repatriated, or has lost their luggage or money, they must contact the "Overseas Emergency Assistance " number provided on their itinerary, advising they are on Auckland Council business.
- As soon as possible after suffering injury or sickness, obtain and follow proper medical advice from a legally-qualified medical practitioner.
- Lodge a claim with the insurance company providing all medical certificates, accounts, receipts and information required by the insurance company to support the claim (original documents must be produced).
- Forward a written claim against any person, party, hotel or transporter who may be legally liable for the loss, injury or sickness.
- Provide full particulars of any claim made against the traveller or Auckland Council by any other person and all legal documents served on the traveller or the council.

10 Professional development programmes and conferences

10.1 Auckland Council recognises the need for elected members to broaden their knowledge and experience through specialised development programmes. Any professional development activity paid for by Auckland Council must be relevant to council business. It can include conferences, internal and external courses or workshops. Because related travel and expenditure such as accommodation and meals are classified as sensitive expenditure, the policy aims to balance elected members’ development needs with prudent use of ratepayer funds and to provide transparency and confidence to the public through publication of expenses.

10.2 Auckland Council has developed a professional development programme for its elected members, for which the budget is set annually. The purpose of this programme is to support elected members in the delivery of their governance role. Bookings to attend the activities included in this programme can be arranged via Democracy Services and Local Boards Services support staff without the need for additional approval.
10.3 If an elected member wants to undertake domestic professional development activities outside the council professional development programme for elected members, he/she must make a written request to the General Manager Democracy Services or General Manager Local Board Services for funding from the elected members’ professional development discretionary budget. The request must detail the business benefit, cost and location of the activities, and confirm that the activities comply with the policy principles outlined in section 2.

10.4 Once approved, Democracy Services and Local Board Services support staff will organise the necessary registrations, bookings and payments.

10.5 If the professional development activity requires international travel a business case must be prepared and approved as outlined in paragraph 12.5.

11 Catering, hospitality and entertainment

Principles

11.1 These rules cover expenditure incurred by all elected members on council business while entertaining members of the public, official visitors to Auckland Council, attendance at conferences, workshops, meetings and functions. Entertainment and hospitality can cover a range of items including, but not limited to, tea, coffee and biscuits, catering such as meals and alcohol, and gifts.

11.2 Any expenses claimed for alcohol when entertaining must be moderate and conservative in terms of quantity and price and satisfy the principles set out in paragraph 2.3.

11.3 There may be occasions where the proposed expenditure is not specifically covered by these rules. If this situation arises, elected members must discuss the proposed expenditure with either the General Manager Democracy Services, the General Manager Local Board Services, the Governance Director or the Chief Executive, and obtain written approval prior to entering into any arrangement or incurring expenditure.

Catering

11.4 If there is a justifiable business purpose, catering may be provided for a meeting or event. Catering includes tea and coffee for morning and afternoon tea, and meals if the event or meeting must take place over usual meal times.

11.5 The Auckland Council Catering Policy applies when catering is required for a meeting or event. The policy specifies that all catering within any council premise must be provided by Auckland Council Catering Services, unless it is not practical for them to do so.

11.6 Elected members are welcome to use the council canteen at their personal cost. Catering may be provided in these venues from time to time to support formal meetings and events.

Civic receptions/functions and official delegations

11.7 To minimise costs it is likely most civic events and hosting of official delegations will be held at council premises. Use of the council’s committee and meeting rooms for such events are subject to the approval of either the General Manager Democracy Services, General Manager Local Board Services, Governance Director or Chief Executive.
11.8 Relevant staff will make the arrangements in accordance with these rules on behalf of elected members.

11.9 Serving alcohol may be permissible at some council events. The expenditure on alcohol must be approved by the General Manager Democracy Services or General Manager Local Board Services, after they are satisfied that:

- the costs relating to alcohol are moderate and conservative
- the ratio of alcohol to food is sensible
- the event meets the requirements of the Sale and Supply of Alcohol Act 2012
- the purpose of serving refreshments at the event is to extend hospitality.

11.10 Only the Catering Manager has the authority to purchase alcohol. Alcohol will be supplied at functions and events in accordance with the provisions of the Sale and Supply of Alcohol Act 2012.

Hosting official visitors

11.11 Elected members may occasionally host official visitors. In most circumstances this will be managed via the Global Partnerships or Civic Events teams.

11.12 If an elected member is required to host a guest at a dinner or purchase a gift in recognition of an event, this expenditure can be claimed back and reimbursed provided prior approval has been obtained. For Councillors prior approval is to be obtained from the General Manager Democracy Services. For Local Board Members prior approval is to be obtained from the General Manager Local Board Services or the relevant Relationship Manager.

Flowers and gifts

11.13 Generally council will not contribute to flowers, gifts, gift vouchers or cards for birthdays, weddings, bereavements, births and farewells. The Mayor, Deputy Mayor, Chief Executive, Governance Director, General Manager Democracy Services or General Manager Local Board Services may give prior approval for an elected member’s contribution in specific circumstances.

11.14 When approved, the gifts and expenditure should be moderate and conservative. Whenever possible, the purchase of gifts should reflect sustainable procurement.

12 Approval process

Approval for domestic travel and domestic expense claims

12.1 A business case is not required for routine domestic travel undertaken for council business. Travel is booked as described under section 4.

12.2 Pre-approval may be given for a schedule of travel arrangements on an annual basis. An example is a commitment to attend scheduled Local Government New Zealand meetings in Wellington due to the member’s appointment to the National Council.

12.3 The list of authorised approvers is as follows:
12.4 The relevant staff from the Mayor’s Office, Democracy Services or Local Board Services will check the documentation for completeness and adherence to the policy and then forward it to the relevant approver for sign-off.

Approval for international travel

12.5 Activities involving international travel require a business case. Staff can prepare the business case on behalf of the elected member. The business case must outline:

- the purpose of the trip
- who wishes to attend
- why the elected member is an appropriate attendee
- expected benefits
- demonstrated prudent use of ratepayer’s money
- itinerary
- all anticipated costs
- which budgets will meet the costs
- how the outcomes of the trip should be reported back on return (for instance a written summary or a presentation at a political meeting).

12.6 The list of authorised approvers is as follows:

<table>
<thead>
<tr>
<th>Elected member</th>
<th>Approver</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mayor</td>
<td>• The Chair of a Committee of the Whole</td>
</tr>
<tr>
<td></td>
<td>and the Chief Executive</td>
</tr>
<tr>
<td>Deputy Mayor</td>
<td>• The Mayor or the Chair of a Committee of the Whole</td>
</tr>
<tr>
<td></td>
<td>and the Chief Executive</td>
</tr>
<tr>
<td>Councillors</td>
<td>• The Mayor or Deputy Mayor or the Chair of a Committee of the Whole</td>
</tr>
<tr>
<td></td>
<td>and the Chief Executive or Governance Director</td>
</tr>
<tr>
<td>Local board members</td>
<td>If the travel is financed from the local board’s budget:</td>
</tr>
<tr>
<td></td>
<td>• The whole local board, by way of a public report and resolution</td>
</tr>
<tr>
<td></td>
<td>and the Chief Executive or Governance Director</td>
</tr>
<tr>
<td></td>
<td>If the travel is financed by Local Board Services or from another central budget:</td>
</tr>
<tr>
<td></td>
<td>• The Mayor or Deputy Mayor or the Chair of a Committee of the Whole</td>
</tr>
<tr>
<td></td>
<td>and the Chief Executive or Governance Director</td>
</tr>
</tbody>
</table>
Approval of expense claims post international travel

12.7 If expenses are in line with current policy and the approved business case, the list of authorised approvers is as follows:

<table>
<thead>
<tr>
<th>Elected member</th>
<th>Approver</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mayor and Deputy Mayor</td>
<td>The Chief Executive or the Governance Director</td>
</tr>
<tr>
<td>Councillors</td>
<td>The Governance Director or the General Manager Democracy Services</td>
</tr>
<tr>
<td>Local board members</td>
<td>The Governance Director or the General Manager Local Board Services</td>
</tr>
</tbody>
</table>

12.8 If expenses are outside of these parameters, they need to be approved by the business case approvers - see paragraph 12.6.

Claiming expenses

12.9 All reimbursements to elected members are made via the payroll system. To be reimbursed, elected members must submit their expense claims monthly. Before the end of each financial year Democracy Services will inform all elected members of the cut-off date to submit claims for that financial year.

12.10 For financial reporting and transparency purposes claims need to be accounted for within the financial year that they are incurred, which ends on 30 June. The cut-off date for submitting claims at year end will be early July so that elected members can claim all expenses to 30 June of that financial year.

12.11 On election years, at the end of the electoral term, Democracy Services will inform all elected members of the final cut-off date by which expense claims must be submitted.

12.12 Democracy Services will not accept claims after the cut-off date. If elected members miss the cut-off date they can claim relevant expenses through their tax returns.

13 Breach of expense and reimbursement rules

13.1 If an elected member breaches this policy he/she must reimburse the council for any costs the council may have wrongfully incurred.

13.2 A breach of the policy may lead to an investigation pursuant to the Elected Members’ Code of Conduct.
Notice of Motion - Shirin Brown - To support Aotea Great Barrier’s submission against the dumping of toxic waste from a marina into the marine environment of the Hauraki Gulf

File No.: CP2018/19764

In accordance with Standing Order 2.5.1 and 2.5.2, the following Notice of Motion has been received from Member Shirin Brown for inclusion on the agenda for the Waiheke Local Board meeting being held on 25 October 2018:

Whakarāpopototanga matua / Executive summary
1. Member Shirin Brown has given notice of a motion that she wishes to propose.
2. The notice, signed by Member S Brown and Member B Upchurch as seconder, is appended as Attachment A.
3. The Aotea Great Barrier Local Board submission to the Environmental Protection Authority is appended as Attachment B.

Motion
That the Waiheke Local Board:

a) support the submission (Attachment B) made on 10 September 2018 by the Aotea Great Barrier Local Board to the Environmental Protection Authority to a marine dumping consent application made by Coastal Resources Ltd under the the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012.

b) In pursuance of a), authorise the chairperson approve and sign a letter of support to the Aotea Great Barrier Local Board to convey the support of the Waiheke Local Board.

Ngā tāpirihanga / Attachments

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Notice of Motion - Shirin Brown - To support Aotea Great Barrier’s submission against the dumping of toxic waste from a marina into the marine environment of the Hauraki Gulf</td>
<td>115</td>
</tr>
<tr>
<td>B</td>
<td>Aotea Great Barrier Local Board submission to the Environmental Protection Authority</td>
<td>117</td>
</tr>
</tbody>
</table>

Ngā kaihaina / Signatories

Author                Safia Cockerell - Democracy Advisor - Waiheke
Authoriser            Helgard Wagener - Relshp Mgr - Great Barrier and Waiheke
Notice of Motion

To support Aotea Great Barrier’s submission against the dumping of toxic waste from a marina into the marine environment of the Hauraki Gulf

In accordance with Standing Order 2.5.1 and 2.5.2, the following Notice of Motion has been received from Local Board Member Shirin Brown for inclusion on the agenda for the Waiheke Local Board meeting being held on 25 October 2018:

Background

i) Aotea Great Barrier Local Board has objected to plans by Coastal Resources Ltd for a marine dumping consent off the coast of Aotea Great Barrier island in the outer Gulf.

ii) The Aotea Great Barrier Local Board’s submission states that the sea should never be a dump site, that land-based solutions for the disposal of dredged material should be found and that the application is inconsistent with laws to protect the environment.

iii) The application to the Environmental Protection Authority would allow a 500 per cent increase in dumped material each year over 35 years. The Aotea Great Barrier Local Board states that the effect of that cannot be certain.

iv) The submission states that bio-security risks would increase as the dredged material would be from infested waters, when Aotea Great Barrier Island’s waters are largely pest free.

v) It would also dump harmful polluting chemicals and heavy metals. Currently for the same level of toxicity in land-based activity, dumping must occur in specific dump sites which cater to toxic materials. It is not acceptable for this material to be dumped straight into the sea which is less capable to filter the toxicity than a land-based solution.

vi) The Aotea Great Barrier Local Board states that granting the consent would be against the purpose of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012.

vii) The current consent approved by the Maritime NZ in 2013 allows 50,000 cubic metres of dredged material a year until 2032 on a site 25 kilometres east of the island. The Board states that the permit was granted different legislation, before the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 came into effect and the Environmental Protection Authority was established.
viii) Since the current permit was granted four and a half years ago, almost 200,000 cubic metres of dredged spoil has been dumped. Coastal Resources Ltd says that no adverse effects have been detected by monitoring, but the Board’s submission argues that all monitoring techniques have limitations and that no monitoring has taken place on the coast of the island.

ix) If the maximum volume for the permit is used, a million cubic metres will have been dumped. The new application is for a 500 percent increase a year for 35 years, a maximum of 8,750,000 cubic metres.

x) We cannot claim kaitiaki responsibility for the Gulf if we do not address the issue of this level of toxic waste going into it.

Recommendation

That the Waiheke Local Board:

a) support the submission (Attachment A) made on 10 September 2018 by the Aotea Great Barrier Local Board to the Environmental Protection Authority to a marine dumping consent application made by Coastal Resources Ltd under the the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012.

b) In pursuance of a), authorise the chairperson approve and sign a letter of support to the Aotea Great Barrier Local Board to convey the support of the Waiheke Local Board.

Signatures:

Author | Member Shirin Brown

Second | Member Bob Upchurch
Coastal Resources Ltd Marine Dumping Consent: Submission by the Aotea Great Barrier Local Board

Proposal number: EEZ100015

Executive Summary

1. The submission is made by the Aotea Great Barrier Local Board on behalf of our community, who object to the application. Our island is the closest community to the proposed dump site and the most likely to be affected.

2. We object to the application in principle as the sea should not be used as a dumpsite for the dredged material, land-based solutions must be found.

3. The application is inconsistent with the purpose of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 in that it fails to protect the environment from pollution. The decision maker must favour caution and environmental protection.

4. An adaptive management approach is not available for this marine dumping consent. The decision maker is required to anticipate the effect of an increase of 500 per cent of dumped material per year over a 35-year period and provide conditions and measures to protect the marine environment and the adjacent land over the proposed period of the consent. Favouring caution and protecting the marine environment from pollution can only be done by prohibiting the dumping of the dredged matter at sea and insisting on fully exploring a suitable land-based option. There is adequate time before the current permit expires in 2032.

5. We object to the 500 per cent increase in volume per year from the current permit and the length of the proposed consent over 35 years. The effect of the volume and duration are uncertain and presents indeterminable risks that cannot be foreseen at this stage nor avoided through consent conditions.

6. We object to the increased bio-security risks. Our islands and waters are largely pest free and the dredged material comes from highly infested locations. The measures to prevent infestation do not adequately provide safeguards of catastrophic risks for the environment.

7. We object to the dumping of harmful polluting chemicals and heavy metals as well as inorganic material that will be included in the dredged material that poses a risk to sea and birdlife and to our beaches.

8. We object to the lack of consultation with our community and with mana whenua.

We, the Submitters

9. The submitters are the Aotea Great Barrier Local Board, a local board established under section 10 of the Local Government (Auckland Council) Act 2009.
10. The local board has been established to enable democratic decision making by, and on behalf of, the community of Aotea Great Barrier island and the board makes this submission as democratically elected members on behalf of the residents of the island.

11. The local board has the support of Auckland Council to make this submission.

Aotea Great Barrier Island – our home

12. Aotea Great Barrier Island is the fourth largest island in the main New Zealand archipelago. It forms the eastern side of Auckland’s Hauraki Gulf and is separated from the northern tip of the Coromandel Peninsula by the 16 km wide Colville Channel. It is approximately 45 km offshore from the mainland at Leigh, a distance that is approximately bisected by Little Barrier Island (Hauturu) that lies 18 km to the west of Great Barrier. The island is approximately 85 km NE of downtown Auckland.

13. Aotea Great Barrier Island has an area of 285 sq.km and is approximately 35 km long along its main NNW - SSW axis from its northern cape at Aguilles Island to Cape Barrier in the south. At its widest it is almost 18km from Whakatautuna Point near Harataonga in the east to near Akatarere Point in the west, south of Man of War Passage which forms the southern entrance to Port Fitzroy.

14. It is a rugged island with a mountainous central spine rising to 627m above sea level at Mount Hobson (Hirakimata) approximately in the centre of the island. Geographically it is an extension of Coromandel Peninsula cut off when the Hauraki Gulf was flooded by rising sea levels following the last ice age glacial maximum approximately 20,000 years ago. It is a tectonic landform characterised by steep bluffs and dramatic rock outcrops but with a volcanic influence as seen at the natural hot springs in the Kaitoke Valley. Nearby Little Barrier Island is an extinct andesitic volcano.

15. Most of the centre of the island and all of its northern and southern parts is forested, although these forests were extensively logged for timber in the last decades of the 1800’s and the first decades of the 1900’s. Extensive areas of the island were also historically cleared for farming but much of this is now reverting to native forest so today farming is largely confined to the floors of the eastern valleys and adjacent slopes.

16. The island’s east coast faces the Pacific Ocean and has a number of long curving sandy surf beaches separated by dramatic rocky headlands and coastal cliffs. These beaches reflect the main broad open valleys that face east including Oruawharo Bay (Medlands) in the south, Kaitoke immediately to the north, Awana and Harataonga in the central section of the coast and Okiwi in the north. Okiwi is the largest of these and is dominated by the expansive Whangapoua Harbour, a large shallow estuarine tidal inlet whereas the Kaitoke Valley contains the very large freshwater Kaitoke Swamp wetland.
17. This unspoilt coast is located a mere unobstructed 25km west from the proposed dumpsite.

18. The west coast faces the sheltered Hauraki Gulf and is predominantly rocky. It is punctuated by a number of deep bays and long harbours formed when river valleys were also flooded by rising sea levels since the end of the last ice age. The largest is Port Fitzroy in the north, which is formed of a cluster of inlets guarded by Kaikoura Island and a long northern headland peninsula, and Tryphena in the south which is more open with small sandy beaches at the head of its bays. Blind Bay also has sandy beaches whereas Whangaparapara Harbour is long and narrow. In the north, Katherine Bay is more exposed to the north and west.

19. Aotea Great Barrier Island is currently mostly free of marine pests that are well established in the inner Hauraki Gulf, Waitemata Harbour and the Firth of Thames such as Mediterranean fanworm, Asian paddle crab and Australian droplet tunicate. Minor incursions carried by contaminated boats are quickly dealt with by local officials and resources.

20. As Aotea Great Barrier Island was historically connected to the mainland it has supported native fauna not usually found on islands including native frogs and kokako and because it has been an island since humans settled New Zealand, it is also lacking some introduced species, most noticeably mustelids and Australian brushtailed possums. The reduced suite of introduced mammalian predators has likely helped a number of rare and threatened species to persist in higher numbers than elsewhere, particularly brown teal and kaka but also nesting seabirds such as black petrel and lizards such as chevron skink. Today the island is the only place in the Auckland region with a permanent human population that does not have possums, goats and mustelids.

21. The island’s forests are diverse and historically supported dense kauri forest on the drier ridges. Lush broadleaf forests filled the sheltered valleys with canopies of puriri, kohekohe, karaka and other northern forest species. Dense understory vegetation includes nikau palms that exhibit a trend towards island gigantism with their large trunks. Regenerating forests are today dominated by extensive stands of kanuka with pioneer shrub species gradually increasing the diversity of the vegetation. Fully 88 per cent of the island is now vegetated with bush or regenerating forest.

22. The Department of Conservation has established an Aotea Conservation Park covering nearly 60 per cent of the island and there are other sanctuaries including Glenfern, Windy Hill and Motu Kaikoura.

23. Our beloved island is the magnificent jewel in the crown of the Hauraki Gulf.
Our People

24. Aotea Great Barrier Island is a remote and beautiful island with a diverse, resilient and independent community characterised by heart and grit. It is made up of Ngāti Rehua Ngatiwai ki Aotea people, Māori, pioneer families, hippy settlers, new residents, summer bach owners, and descendants of all these groups. We have 939 permanent residents plus part-time residents with second homes.

25. We have no reticulated water, power or public transport, running our own power, water, septic and drainage systems. We value and protect our way of life. We face unique challenges and are proud of our can-do attitude and innovative approach to living on our island paradise.

26. Our median age is 54 years; 70 per cent of us own our houses and 44 per cent of us live alone. We are bicultural with 90 per cent identifying as European and 18 per cent as Māori. The median full-time household income is $31,100 per annum, considerably lower than the Auckland regional median of $76,500, and lowest across all of Auckland’s local boards.

27. We have three primary schools, with children of secondary school age moving to the city for boarding school or enrolling in Te Kura (correspondence school). Our top industries are accommodation, food and construction.

28. The island has a vibrant history of human settlement. Māori are understood to have arrived some 700 years ago and pa sites and records of continuous Māori settlement prior to European arrival in the early 1800s are evident across the whole island. Human enterprise on the island has been described as ‘boom-bust’ and historically included activities such as whaling, timber-milling, gum digging and copper, silver and gold mining. Many of these endeavours have left significant and long-term ecological impacts.

29. Ngāti Rehua Ngatiwai ki Aotea are mana whenua of Aotea, Hauturu (Little Barrier Island), the Pokohinu Islands (Mokohinau Islands), and other outlying islands and rocky outcrops.

Our objections

Granting consent is against the purpose of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012

30. As an island-based community, surrounded by sea, we do not believe the ocean should ever be a dumping ground for waste. Over the years the international community (and New Zealand) has progressively introduced measures to prohibit or control the more egregious practices, hopefully one day all disposal of waste at sea will be prohibited and the ocean accorded its deserved respect. As humans we should take responsibility for our managing and minimising our waste and not subscribe to a philosophy of “out of sight is
out of mind" for waste. However, we recognise that provision is currently made under legislation for applications for the dumping of waste at sea.

31. The current application for a marine dumping consent does not meet the purpose of Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 under section 10(1)(b) to protect the environment from pollution by regulating or prohibiting the dumping of waste or other matter.

32. The current dumping permit to dump a limited amount of dredged material (50,000 m3 per year until 2032) on the site 25 km east of our home was granted by Maritime New Zealand under currently defunct legislative provisions (the Maritime Transport Act 1994 and the Maritime Protection Rules), which had different requirements with a different enforcement and monitoring system. Therefore, the current permit does not create a precedent for dumping 500 per cent more material (250,000 m3 per year over a 35 year period) under different legislation with different requirements, i.e. just because dredged wastes are currently dumped at this site does not provide a bias in favour of nor does it set a precedent for a vast amount of additional material to be dumped at the specific site.

33. Unlike mining of a resource located at a specific location, the dumping activity does not have to take place at a specific location – the choice of location is not pre-determined, it is a choice and may take place at any location. In submitting the application, the applicant has wrongly conflated the legislative requirement of protecting the environment from pollution with avoiding, remedying, or mitigating adverse effects through conditions. The first and primary question to be asked is whether there is a better way to protect the environment from harm than dumping the dredged material at sea, for example, can it be managed on land.

34. In deciding on the application, the decision maker must favour caution and environmental protection. The dumping should not be undertaken if it may have serious adverse environmental consequences, even if it is not possible to prove with any degree of uncertainty that these consequences will in fact materialise.

35. An adaptive management approach is not available for this marine dumping consent under the legislation and therefore the decision maker cannot introduce the activity piecemeal by allowing the dumping to be undertaken for a period so that its effects can be assessed and the dumping discontinued, or continued with or without amendment, on the basis of those effects. The decision maker is required to now, in 2018/2019, anticipate the effect of an increase of 500 per cent of dumped material per year over a 35-year period and provide conditions and measures to protect the marine environment and the adjacent land over the proposed period of the consent – when favouring caution, as required by the legislation, this cannot reasonably be done.
36. Favouring caution and protecting the marine environment from pollution can only be done by prohibiting the dumping of the dredged matter at sea and insisting on fully exploring a suitable land-based option. The current dumping permit expires in fourteen years (on 31 December 2032), leaving adequate time to comprehensively explore a land-based option and acquiring the necessary resource consent under the Resource Management Act.

Objection to increased volume and dispersal of material

37. According to the applicant, since granting of the current marine dumping permit four and a half years ago (2013 to April 2018) approximately 199,800 m³ of dredged spoil has been dumped at the site, apparently without any adverse effect being detected by monitoring. However, all monitoring techniques do have their limitations (e.g., detection limits for fine sediments). Also, the monitoring did not take place on the coast of Aotea Great Barrier Island.

38. If the maximum permitted volume (50,000 m³ per year over 20 years) is dumped for the full extent of the current permit 1 million m³ dredged material will have been dumped.

39. The application is for a 500 per cent per annum increase to 250,000 m³ per year for 35 years; if the maximum consented volume is dumped for the full extent of the application, 8,750,000 m³ of dredged waste will have been dumped.

40. The current lack of noticeable adverse effects over a short four-year period relating to the much smaller amount of waste does not provide reasonable assurance that there will not be severe adverse effects when the much larger volume of material is dumped over a much longer period. Regardless of modelling, there is simply no way to be reasonably certain of the effects. In the absence of an adaptive management approach to adjust the conditions, the consent holder may continue to dump the material provided the consent holder adheres to the conditions set upon approval, years ago. At that stage the conditions will be outdated and compliance measures meaningless in addressing the harm. A current example of a similar situation under the Resource Management Act occurs with the pollution by sediment run-off into the Okura-Long Bay Marine Reserve at Karapiro Bay where adherence by the developer on the adjacent land of outdated resource consent conditions do not prevent irreparable harm to a pristine coastal environment.

41. We also have concerns about the increase in the number of barge loads from 100-130 per year in the current situation to approximately 560 in the future, particularly in relation to operational limits (e.g., material cannot be brought to the site and deposited in rough conditions). Barge operators may be pushed beyond their operational limits to reach the disposal site with a potential
outcome of disposal in waters outside the targeted area, particularly if weather and/or sea conditions unexpectedly deteriorate.

42. No-one can safely say that there will not be any loss of cargo outside the proposed dumping site during any of the 19,660 barge trips over the 35 year duration of the requested consent. The effect of a loss of cargo outside the proposed dumping site will not only be pollution of a pristine environment with commensurate damage to the Hauraki Marine Park.

43. We have concerns that the large volume of material that will be released in the sea will not necessarily sink to the ocean floor but will be dispersed through the water as sediment, discolouring the sea and turning it murky either due to its bulk/concentration or due to wave action during storms. This will affect both the sealife and bird life of the outer Hauraki Gulf and may reach our island.

Objection to increased bio-security risks

44. Currently the coastal waters around our island’s coast are largely free of the marine pests such as found at the locations from which the dredged material will be taken. The marine pests of concern are the Australian droplet tunicate (Sandspit marina), Mediterranean fanworm (Hobsonville Point, Hobsonville marina, Half Moon Bay, Pine Harbour) and Asian paddle crab (Sandspit marina, Half Moon Bay). The Australian droplet tunicate was not known to be present in the Auckland region until 2016 when it was first discovered at Waiheke Island. The Mediterranean fanworm and Asian paddle crabs are relatively widespread in the Hauraki Gulf, but the Mediterranean fanworm is not known to be wide-spread on Aotea Great Barrier Island (and when found on the occasional visiting boat is eradicated) and we have no Asian paddle crab.

45. With the massive increase in volume over an extended period of time and the failure to monitor effects on the coast of the adjacent land there is a risk of spreading these species by dumping of dredged material so close to our home. Larvae of the Australian droplet tunicate and Asian paddle crabs may survive the transport to the disposal site, and if they do, they will not necessarily be carried to the deep seabed along with the bulk of the dredge spoil. They can be transported away from the disposal site by tidal currents and may be able to reach the shores of Aotea Great Barrier Island.

46. Due to the massive increase in the volume of the dumped material, the huge increase of the number of barge trips, with associated risks and the longer duration of the keeping the dredged material on land required to ensure living pest organisms do not survive, the proposed measures provide no certainty and the decision maker is urged to favour caution and protect the environment – introduction of these pest species to the outer Gulf will be an unmitigated disaster.
Objection to increased pollution risks

47. While the applicant acknowledges that several exceedances of ANZECC low guideline values were identified as part of pre-disposal sampling at Hobsonville Point (mercury), Hobsonville marina (for copper, tributyl tin compounds), Half Moon Bay (mercury, copper, lead, nickel, tributyl tin compounds), and Pine Harbour (copper) and states that no exceedances of ANZECC ISQ guideline values were identified in the post-disposal monitoring, it is not clear which specific contaminant levels will be used to assess approval of disposal of dredged material at the proposed site.

48. While the values of the dumped material may adhere to the ANZECC ISQ guidelines, it is not clear what the massive 500 per cent increase in the volume of contaminated material will have on the environment. A level of contamination that may at present have no effect due to the lower volume may have an adverse effect due to the sheer increased volume dispersed in a higher concentration at the site.

49. Dredging from the Waitemata Harbour does not just acid dangerous chemicals to the environment but also inorganic litter that enters the harbour either through illegal dumping or as water-borne litter following storms. This inorganic matter, particularly plastic flotsam and jetsom, litters city beaches and poses a severe risk to sea and birdlife. The applicant does not propose to remove the inorganic matter from the dredged material and consequently a vast amount will be dumped close to the pristine marine environment of our islands, with harmful effect on the sea and bird life and will be swept onto our beaches, causing a litter problem that is not of our making and that we are unable to avoid or control.

Objection to a lack of consultation with our community and the absence of social licence

50. The applicant has failed to consult our community. No effort has been made to obtain the views of the approximately 939 full-time residents and the part-time residents of Aotea Great Barrier Island. It is staggering that the applicant made no effort to consult with the inhabitants of the closest settlement to the proposed site of the dumping. Our residents only became aware of the current application after the Aotea Great Barrier Local Board advised our community of the application following advice from a representative of the Environmental Protection Agency.

51. Our community objects strongly against the application. The dredging of marinas on the mainland more than 90 km away is not to our benefit as a community but ironically, we as island residents are expected to bear the consequences of the dumping of the spoils close to our home by those who benefit but who risk nothing.
52. Ngati Rehua Ngatiwai ki Aotea Trust are recognised as the authority for Ngati Rehua Ngatiwai ki Aotea who are mana whenua of Aotea, Hauturu, the Pokohinu Islands (Mokohinau Islands), and other outlying islands and rocky outcrops. Although the applicant states that a meeting was held on 8 November 2017 with representatives of Ngati Rehua, no consultation occurred with validly appointed trustees since 21 February 2018.

53. Access to the proposed dumpsite is mostly through the Hauraki Gulf Marine Park, which poses a risk during the transportation of the material through the marine park, as well as posing a risk to the marine park upon dumping of the dredged material. No consultation has taken place with the Hauraki Gulf Forum.

54. The Hauraki Gulf and the Firth of Thames abuts the major population centres of the North island and these waters are dear to the residents of Auckland, Thames-Coromandel, the Waikato, the Western Bay of Plenty and thousands of recreational users of the Gulf. The applicant has not consulted the public and there is no or little public awareness of the applicant’s intentions to transport 250,000m³ of dredged material per year for 35 years through the Hauraki Gulf and dump it off-shore.

55. We say that the applicant has no social licence to proceed with the proposed consent.

56. Lastly, while the application states that upon approval of the consent, the current permit will be surrendered, the application fails to address the mechanism of surrender.
Te take mō te pūrongo / Purpose of the report
1. To seek local boards’ views on the draft Facility Partnerships Policy.

Whakarāpopototanga matua / Executive summary
2. A ‘facility partnership’ is where Auckland Council invests in a community facility alongside others. Done well, partnerships can enable and empower our communities, and help us provide more of the quality facilities Auckland needs, faster and more cost-effectively.
3. The council intends to meet more facility needs through partnerships in future, and a new regional policy (refer Attachment B) has been developed to guide their selection and support.
4. Key policy positions outlined in the draft Facility Partnerships Policy and summarised in Attachment A include:
   • a focus on shared outcomes
   • partnerships that recognise, value and honour Te Ao Māori
   • multiple partnership models, with fit-for-purpose arrangements
   • ‘Proactive’ and ‘Responsive’ partnership tracks
   • principles to shape eligibility and investment priorities
   • valuing (and costing) in-kind support
   • a stronger focus on the partnership relationship
   • greater acknowledgement of the complexity of developing/managing assets.
5. During policy development, staff engaged with Māori to explore specific opportunities and barriers for facility partnerships with Māori. The findings from this engagement (refer Attachment C) have shaped a commitment in the draft policy to partner in ways that align with the Treaty Principles, and acknowledge the distinct characteristics of marae.
6. The draft policy was endorsed by the Environment and Community Committee in June 2018 for public consultation and formal engagement with local boards. The consultation activities carried out and the community feedback received are summarised in Attachment D. Public feedback was highly supportive of the draft policy overall.
7. Staff attended local board workshops on the draft policy during July and August. This report invites local boards to formally indicate their support for the proposed approach, and/or provide any additional feedback on the policy they would like the committee to consider.
8. A summary of all feedback and a final policy will be tabled for consideration and adoption by the Environment and Community Committee in November 2018.
9. Implementation of the new approach is expected to begin during the 2019/20 financial year.

Te tūtohunga / Recommendation
That the Waiheke Local Board:

a) support the adoption of the Draft Facility Partnerships Policy, and provide any additional feedback on the proposed approach for the Environment and Community Committee’s consideration.
Waiheke Local Board  
25 October 2018

Horopaki / Context
10. Auckland Council is a major provider of community, arts and sports facilities, but not the only provider. A ‘facility partnership’ is where the council invests in a community facility alongside others. Done well, partnerships can enable and empower communities, and help the council to provide more of the quality facilities Auckland needs, faster and more cost-effectively.

11. There are already around 300 of these arrangements in Auckland, and the council has signalled more facility needs will be met through partnerships in future. There is currently no regional policy to guide the selection and support of facility partnerships.

12. In 2016, a cross-council team began work on a new regional policy. The team met with a number of partners and experts to understand existing practice and how policy could improve decision-making in the partnering experience.

13. Findings from discovery work were shared in December 2016 at walk-throughs with elected members, staff and participating partners, and reported to the Environment and Community committee in February 2017 (resolution number ENV/2017/9).

14. A new approach was developed and tested at walk-throughs in February 2018. The committee endorsed the draft policy for public consultation and formal engagement with local boards in June 2018 (resolution number ENV/2018/74).

Tātāritanga me ngā tohutohu / Analysis and advice

Facility partnerships benefit the council and the community
15. Auckland Council supports facility partnerships because they can:
   • leverage external investment and community effort
   • empower communities, and help us respond to Auckland’s increasing diversity
   • optimise the existing facility network and reduce the need for new facilities.

Facility partnership selection and management is ad-hoc and inconsistent
16. Discovery work in 2016 and into 2017 identified a range of issues that are preventing the council from realising the full potential of facility partnerships.

17. Currently, facility partnership decisions are made on an ad-hoc basis. Often the lifetime costs and benefits of the partnership have not been fully considered, or how these relate to network gaps and evolving community needs.

18. Investment opportunities and selection decisions lack transparency, and our management processes tend to be uncoordinated and inconsistent. Many partners report that they feel under-prepared and insufficiently supported by the council to deliver successfully.

Proposed policy provides strategic approach with tailored process
19. Staff have developed a new policy (refer Attachment B) to respond directly to these findings.

20. This will enable the council and partners to make more informed and strategic investment decisions. Advice will be based on clearer evidence of the need and impact and comprehensive costings and will emphasise viability and sustainability.

21. The new approach introduces a more transparent and contestable selection process. Requirements will be tailored to reflect the scale, complexity and risk of each proposal. The policy recognises the importance of quality relationships, and the need to better coordinate staff expertise and support to improve partners’ experience and build capability.

22. The draft policy proposes:
   • a focus on shared outcomes
   • partnerships that recognise, value and honour Te Ao Māori
multiple partnership models, with fit-for-purpose arrangements

‘Proactive’ and ‘Responsive’ partnership tracks

principles to shape eligibility and investment priorities

valuing (and costing) in-kind support

a stronger focus on the partnership relationship

greater acknowledgement of the complexity of developing/managing assets.

23. A summary of key policy positions relating to these themes is provided as Attachment A.

Public engagement held during July and August 2018

24. Staff undertook public consultation and briefed interested advisory panels between June and August 2018. Public consultation activities included six drop-in consultation events across Auckland, and online submissions via the council’s ‘Have Your Say’ website.

25. Public feedback was highly supportive of the draft policy overall. Those providing feedback generally saw the value of having a policy for this activity, and were positive about its intent. Responses to questions about specific aspects of the policy were also strongly affirmative.

Public feedback shows strong support for new approach

26. Key themes that emerged from the public consultation are:

- Most respondents agree the new approach will better enable the council to invest in the right facility partnerships, and ensure that partnerships work for both partners and the council.

- The investment principles, the proposal to enable appropriate commercial activities in facilities, and the establishment of Lead Relationship Brokers were all positively received by the majority of respondents.

- The ‘Track, Type and Scale’ model was also welcomed for encompassing a wide range of facility partnerships, and the intention to ensure requirements are proportionate.

- Respondents hope the new approach will make it easier for partners to navigate the multiple council systems and processes involved, and get good support from staff.

- Using the Treaty principles to guide partnerships with Māori was welcomed by most, but this was acknowledged as a complex area.

- Respondents appreciated a more visually appealing document that is easier to navigate.

Most public concerns relate to application of policy

27. Concerns identified included:

- how the investment principles will be applied in practice, especially where they must be ‘traded off’ against each other

- whether some communities will be unfairly advantaged by the new approach

- whether the higher level of staff support will be properly resourced, and implemented as intended across all parts of council

- whether the process is flexible enough to respond to the ‘messy reality’ of partnerships.

28. A full summary of the public consultation activities to date and a more in-depth description of key feedback themes is provided as Attachment D for local board consideration.

29. Key national and regional stakeholders will also be briefed prior to the draft being finalised.
Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe / Local impacts and local board views

30. Local boards have a strong interest in facility partnerships and some decision-making responsibility in this area, including:
   - determining local outcomes and advocating for local investment priorities
   - governing local and sub-regional facility partnership relationships and agreements
   - allocating local discretionary funding and community leases of council property.

31. Staff have engaged with local boards informally at various stages throughout the discovery work and subsequent policy development. Local board member views and concerns have helped shape the draft policy.

32. During July and August 2018, local boards were offered a workshop to hear an overview of the proposed policy approach and seek clarification on any areas of local interest or concern. Eighteen local boards requested a workshop.

Formal local board feedback sought September and October 2018

33. Community feedback has now been summarised for local boards' consideration. Staff are seeking to understand local boards' views on the new approach, and requesting a formal indication of support at local board business meetings during September and October 2018.

34. Staff would particularly value local board feedback on the following parts of the draft policy (refer Attachment B), which are likely to have the most bearing on local board decision-making:
   - the Tracks, Types and Scales model (p.16-23) to differentiate partnerships and customise the partnership process
   - the draft investment principles (p.26) and priorities (p.33)
   - proposed eligibility criteria for investment (p.27-30)
   - the proposal to allow facility partnerships to generate revenue through appropriate commercial activities (p.31)
   - the focus on quality relationships, as outlined in the proposed partnering principles (p.35) and supported by allocation of a lead relationship broker (p.38).

Tauākī whakaaweawe Māori / Māori impact statement

35. Marae are a focal point for Māori social, economic, environmental and cultural development, and are identified in the Community Facilities Network Plan as potential facility partners.

Engagement to better understand facility partnerships and Te Ao Māori

36. In 2017, staff undertook additional engagement with Māori, with a focus on marae, to ensure that the new policy incorporates any special context, barriers or opportunities for facility partnerships with Māori. A summary of the findings is provided as Attachment C.

37. The draft policy reflects these findings and commits the council to partnering with Māori in ways which align with the Treaty Principles and reflect the distinct characteristics of marae.

38. The draft policy approach and the findings report will be shared at hui with interested marae during September, as part of initial discussions on a new Marae Investment Policy.

Ngā ritenga ā-pūtea / Financial implications

39. The Facility Partnerships Policy is not supported by a dedicated budget. Future investment in facility partnerships will be provided through existing budgets for facility development and operation, allocated through the Long-term Plan 2018-2028 and Annual Plan. Local boards
may also award grants and community leases of council property to support facility partnerships.

Ngā raru tūpono / Risks

<table>
<thead>
<tr>
<th>Risk</th>
<th>Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adoption of a new policy may create expectations that there will be additional budget to support facility partnerships.</td>
<td>All public-facing communications and guidance about the new policy will reference the funding available from existing regional and local budgets and how this will be allocated.</td>
</tr>
<tr>
<td>Existing facility partners may be concerned that the new policy will impact arrangements already in place, or ongoing council investment.</td>
<td>The new policy will guide decisions on new facility partnerships only, unless an existing partnership is already scheduled for review, and guidance will clearly state this. Where existing partnerships are to be reviewed, staff will ensure partners are adequately supported to prepare.</td>
</tr>
<tr>
<td>The transition to the new policy approach will be operationally complex. It impacts multiple teams across the council, and new business processes, guidance and forms will need to be designed to support it.</td>
<td>Detailed implementation planning will be required to ensure the transition is as smooth as possible. Phased implementation over the first financial year (2019/20) may be necessary to achieve this.</td>
</tr>
</tbody>
</table>

Ngā koringa ā-muri / Next steps

40. A summary of all feedback and a final policy will be tabled for consideration and adoption by the Environment and Community Committee in November 2018.

41. Implementation of the new approach is expected to begin during the 2019/20 financial year.

Ngā tāpirihanga / Attachments

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Ngā kaihaina / Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Authorisers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rebekah Forman - Principal Policy Analyst</td>
<td>Kataraina Maki - GM - Community &amp; Social Policy</td>
</tr>
<tr>
<td></td>
<td>Helgard Wagener - Relshp Mgr - Great Barrier and Waiheke</td>
</tr>
<tr>
<td></td>
<td>Louise Mason - GM Local Board Services</td>
</tr>
</tbody>
</table>
Facility Partnerships Policy

High level summary of key proposed policy positions

| A focus on shared outcomes | When selecting, managing and evaluating partnerships, we will prioritise the outcomes delivered (i.e. community benefits), not just the outputs (e.g. a new building).
| We will partner based on aligned values and a shared vision.
| We will only enter facility partnerships to develop an asset where an asset-based solution is essential to delivering the outcomes. |

| Recognise, value and honour Te Ao Māori | We will enter facility partnerships with Māori that align with Treaty Principles and provide for tino rangatiratanga.
| We will acknowledge the special significance and role of marae. |

| Multiple models, fit-for-purpose arrangements | We will provide clear pathways for a variety of partners, facility types, partnership structures and investment mechanisms.
| We will ensure our processes and requirements take account of each individual partnership’s scale, complexity, risk and the partners’ capability. |

| Proactive and Responsive partnership tracks | ‘Proactive’ partnerships: Council will seek partnerships through an open tendering process to address network gaps.
| ‘Responsive’ partnerships: Council will also consider partner-initiated funding requests at set times to feed into the Annual Plan. |

| Investment principles to shape eligibility and priorities | We will take a principled approach to facility partnership investment decisions, and invest strategically, equitably, wisely and sustainably.
| We will invest in existing spaces in preference to building new facilities.
| We will support businesses / commercial activities playing a role in enabling viable facility partnerships in certain circumstances. |

| Valuing (and costing) in-kind support | We will estimate the value of ‘in-kind’ investment on both sides (e.g. use of council land, volunteer effort) to support better assessment of costs and benefits.
| Access to council expertise can be critical to our partners’ success. Where necessary we will build capability support into business cases. |

| Greater focus on the partnership relationship | We will resource quality relationships over time. Acknowledging these are foundational for successful partnerships.
| We will allocate a lead relationship broker to every partnership to ensure joined-up support and a better partnering experience. |

| Acknowledge the complexity of developing and managing assets | We will ensure community partners are well-equipped and/or supported to design, build, operate and maintain quality facility assets.
| We will ask better questions and involve subject matter experts earlier to support decision-making and reduce wasted effort on both sides. |
A facility partnership is...

Where Auckland Council invests in community facilities owned or operated by others, so Aucklanders can access more of the quality facilities they need, faster and more cost-effectively.

Community facilities are...

Places and spaces where Aucklanders can participate, play, learn, share, improve their health and wellbeing, celebrate and belong. They include...

- Community centres, hubs, halls and mobile facilities and special purpose facilities (e.g. youth centres, men’s sheds)
- Marae and cultural centres
- Libraries
- Arts centres and performing arts centres
- Indoor sports centres like multi-sports centres, swimming pools, leisure centres, indoor courts / gyms
- Outdoor facilities like sports fields, skate parks, playgrounds, splashpads and outdoor courts
Facility Partnerships Policy: contents

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1. The purpose

Why we have facility partnerships

Through facility partnerships, the council may invest in tangible things, like buildings, equipment, staff salaries and services. But what we are really investing in is the short, medium and long-term benefits these things will deliver: ultimately, a better quality of life for our communities.

We provide facilities not for their own sake, but for what they enable people to do and achieve, and because they make Auckland a better place to live. Community facilities contribute to building strong, healthy and vibrant communities and foster belonging and pride. They are an important part of realising the vision for Auckland as a ‘world class’ city. The council has already set a number of specific priorities around the outcomes that Aucklanders most need and want to see delivered through facilities.

We seek facility partnerships because they can enable the council and the community to provide more of the facilities Auckland needs, faster and more effectively. This aligns with our obligations under The Local Government Act, which requires the infrastructure we deliver to meets current and future needs, in a way that is most cost effective for households and businesses.

Given that these outcomes and benefits are the purpose of facility partnerships, they’re an important factor in our selection, management and evaluation of facility partnerships.

At the selection stage, a focus on outcomes helps decision-makers target the council’s limited investment where it can have the biggest impact.

At the management stage, the outcomes we’ve agreed will help staff work with facility partners to shape provision, and target access to those the facility is intended to benefit. These outcomes also help us monitor the facility (and the services and activities it enables) throughout its life.

During regular evaluation, we and our partners will be assessing if the benefits we wanted have been realised, and reflecting on the experience of the partnership itself.
We provide facilities because...

They benefit Aucklanders

Supporting local community identity, pride, belonging, participation and improving people’s wellbeing
- e.g. Auckland Plan, Thriving Communities, I Am Auckland, Toi Whakai

Helping Aucklanders to be more active, more often
- e.g. Auckland Plan, Sports and Recreation Strategic Action Plan

Helping to make arts and culture part of our everyday lives
- e.g. Auckland Plan, Toi Whakai

Valuing Te Ao Māori and enabling Māori aspirations
- e.g. Auckland Plan, Thriving Communities, I Am Auckland, Toi Whakai, Sports and Recreation Strategic Action Plan

Enhancing and protecting our natural environment and our built and cultural heritage
- e.g. Auckland Plan, Unitary Plan

“We have a lot of new migrants in our neighbourhood. We needed somewhere welcoming for them to go to meet new people and learn about life in Auckland. It helps bring the community together.”

“My teenagers play sport down there - it’s good for their fitness and confidence, and it helps them learn respect and teamwork. And keeps them out of trouble - there wasn’t much to do round here before!”

“Having the art centre is great for the town - they run lots of classes there, and it’s made the whole place feel more vibrant and alive. Well, you can see - the art has spilled out onto the streets!”

“We run programmes at the marae that improve people’s lives; that build mana and connection with culture. Māori feel more comfortable here; most don’t go to the community centre.”

“The community gardens have really improved the environment down there, and I think its changed how people feel about the reserve. They’re growing native seedlings there to replant along the stream banks, and people aren’t dumping rubbish in the stream anymore.”
We seek facility partnerships because they enable us to...

**Leverage**
- Partnerships can leverage external investment, infrastructure and effort to deliver better community facilities and spread their cost between more stakeholders. This is critical in a context of financial constraints, growing demand, scarce land and increasing construction costs.
- The council, community and sector organisations, iwi, businesses, government agencies and other funders each bring unique and complementary knowledge, skills, networks and strengths to the table.

**Empower and enable**
- Partnerships are a way for the council to empower and enable communities and build their mana, prosperity, resilience, skills and capacity.
- Partnerships are a tangible way to meet our Treaty of Waitangi obligations to work in partnership with Māori, which go beyond our role relative to other sectors of the community. By supporting Māori-led facilities, we show respect for Māori mātauranga (knowledge), manaakitanga (hospitality) and kotikotanga (guardianship).
- Auckland is becoming super-diverse, and community-led, Māori-led or sector-led facilities may be more effective at meeting needs than a council-led alternative.

**Optimise**
- Partnerships can optimise space and maximise investment, by bringing together multiple groups to share one facility, or by breathing new life into existing assets that the community already use and value, instead of building new ones.
- Investing in partnerships may not require building bricks-and-mortar assets, which reduces financial pressure and delivers a flexible network that can respond faster to growth and change.

---

"The school has offered the land for the new centre, the council is managing the design and construction, the sports trust has signed up a major donor, and local businesses are providing building materials at cost. And the local community is going to get an incredible facility!"

"Our organisation has a reputation in this community that stretches back decades. We know all the service providers, and can help people get the support they need. But we really value the council's technical expertise around managing buildings, and the legal and accounting side of things."

"Our group started as a few volunteers wanting to reduce crime in our town centre, but we ended up registering as a charity and working with local youth, rough sleepers and the long-term unemployed. The men's shed is going to really enhance the work we can do, but it's a big step for us."

"Our users said they didn't visit the council centre because their English was poor and they felt embarrassed. We offer much the same services and activities, but they are among people of a similar age and cultural background, and they can practice their English together."

"We welcome everyone who wants to come here - thousands of people do, every year - and we will manakia our visitors as we always have done. But we would welcome greater council recognition of our role. Funding is a huge help, but for us the relationships and respect are just as fundamental."
We need a facility partnerships policy for...

**Clarity**

Policy helps develop a shared understanding of partnership, through:

- Establishing clear and consistent language around partnerships.
- Setting out why, when and how we will partner, including being more intentional and more responsive in our partnering with Māori.
- Better differentiation of the different types of partnership, reflected in fit-for-purpose decision-making pathways and processes that are proportionate to their scale and risk.

**Strategic decision-making**

Given limited resources, policy helps us partner more strategically, by:

- Aligning our partnerships investment to existing strategies, policies and plans, with a focus on addressing the greatest needs first.
- Ensuring we consider the costs and opportunity costs, downstream benefits and savings, trade-offs and risks before making decisions.
- Ensuring we’ll see evidence of the outcomes we’ve invested in and the value that’s been delivered, while recognising partnerships can benefit communities in multiple ways.

**Sustainability**

Policy commits us to investing and supporting for success, by:

- Requiring ongoing costs and a realistic business and operating model to be identified, ensuring partners are able to run and maintain safe, quality facilities to the standards the community expects.
- Setting realistic expectations of partners and partnerships, ensuring we consider and cost support needs upfront and ‘play to strengths’.
- Treating partner relationships with the care and seriousness they deserve, including coordinating our support and advice within council to ensure a consistently good experience for partners.
Where does the facility partnerships policy fit?

Auckland Plan
Local Board Plans

Outcomes
Our role
Priorities
Delivery
Budget
Mechanism

Urity Plan
Auckland Sport and Recreation Strategic Action Plan
Perks and Open Spaces Strategic Action Plan
Toi Whitiki: Arts and culture Strategic Action Plan
Thriving Communities Strategic Action Plan
I am Auckland - Children and Young People's Strategic Action Plan
Māori Plan for Tamaki Makaurau

Sports Facilities Investment Plan
Open Space Provision Plan
Community Facilities Network Plan
Tākaro - Investing in Play

Council Land Assets
Local And Regional Facilities
Local And Regional Services

Long-Term Plan
Annual Plan
Local Board Agreements

Facility Partnerships Policy
Community-Led
Community Occupancy Guidelines
Community Grants Policy

What is the vision?
What outcomes and benefits are we working towards?
What will success look like?

What specific outcomes do we want for different populations, sectors, places, activities?

What is our role in delivering them?

What should council invest in, and where, to deliver these outcomes?
What are the priorities, to address needs and gaps?

Will we deliver the outcomes by providing land, facilities or services, or a combination?

How much will we invest in the outcomes?
How will we allocate: Capex (for assets) Opex (for everything else)

How will we enable the community and the market to deliver the outcomes, alongside direct council provision?
Facility partnerships and Te Ao Māori

Building on our founding partnership: Te Tiriti o Waitangi

Te Tiriti o Waitangi/the Treaty of Waitangi is our nation's founding document and recognises the special place of Māori in New Zealand.

Auckland Council is committed to engaging and working with Māori in ways that are consistent with the Treaty Principles. This includes supporting delivery of services by Māori for Māori, based on Te Ao Māori values and practices.

Facilities contribute to Māori well-being by providing spaces to connect, socialise, learn, participate in and celebrate Māori identity and culture. Partnerships enable the council and Māori to share mana, meaora and resources to support Māori aspirations and deliver Māori outcomes. Facility partnerships provide a way to jointly deliver Māori outcomes through marae, facilities, and other spaces and places.

Delivering Māori outcomes through facility partnerships

Supporting Māori values / directions
- Whanaungatanga / Develop vibrant communities
- Rangatiratanga / Enhance leadership and participation
- Manaakitanga / Improve quality of life
- Wairuatanga / Promote distinctive identity
- Kaiakitanga / Ensure sustainable futures

-- The Māori Plan for Tāmaki Makaurau

Māori outcomes through arts and culture
- Promote and develop marae as regional cultural hubs
- Promote Māori art and culture, locally and internationally through the development of Māori cultural centres

"Māori culture is 'Auckland's point of difference in the world'... we are proud of Māori cultural identity and celebrate it."
-- Toi Whāriki - Arts and Culture Strategic Action Plan

Promoting Māori identity and wellbeing
- Advance Māori wellbeing
- Promote Māori success, innovation and enterprise
- Recognise and provide for Tiriti o Waitangi outcomes
- Showcase Auckland’s Māori identity and vibrant Māori culture

"Kaupapa Māori and Māori-led organisations... continue to be critical to delivery of appropriate and effective services for Māori... Actively partnering with others is a key mechanism for Auckland Council to support Māori identity and well-being." -- The Auckland Plan

Māori outcomes through sport and recreation
- Health and wellbeing for Māori
- Value Te Ao Māori

"We will acknowledge the special role of Māori and enable participation in decision-making, to build lasting reciprocal relationships and improve physical activity outcomes for Māori... This will be achieved through working in partnership with iwi and appropriate organisations." -- Auckland Sport and Recreation Strategic Action Plan
The Treaty Principles / Te Tiriti Mātāpono

Treaty principles have been recognised and expressed by the Waitangi Tribunal and a range of Courts – the Privy Council, Supreme Court and High Court. The principles bridge the two texts of the Treaty, focusing on the intent of the Treaty and the future.

The Treaty Principles will help guide how the council and Māori work together to establish, shape and manage facility partnership arrangements.

Relevant principles for facility partnerships include:

Rangatiratanga - the duty to recognise Māori rights of independence, autonomy and self-determination, including the capacity of hapu, mana whenua and mataawaka to exercise authority over their own affairs. This principle enables the empowerment of Māori to determine and manage matters of significance to them.

Partnership - the duty to interact in good faith and in the nature of a partnership. There is a sense of shared enterprise and mutual benefit where each partner must take account of the needs and interests of the other.

Active protection - the duty to proactively protect the rights and interests of Māori, including the need to proactively build the capacity and capability of Māori.

Ōiwi / mutual benefit - to recognise that benefits should accrue to both Māori and non-Māori, to enable both to participate in the prosperity of Aotearoa giving rise to mutual obligations and benefits. Each needs to retain and obtain sufficient resources to prosper, and each requires the help of its Treaty partner to do so. This includes the notion of equality (for example, in education, health and other socio-economic considerations).

Options - recognising the authority of Māori to choose their own direction, to continue their own tikanga (customary practice) as it was or to combine elements of both and walk in both worlds. This principle includes recognition of Māori self-regulation.

The right of development - the Treaty right is not confined to customary use or the state of knowledge as at 1840, but includes an active duty to assist Māori in the development of their properties and taonga (treasured items).

Applying the Principles

We will seek facility partnership opportunities and arrangements with Māori that:

- Recognise Māori rights of independence, autonomy and self-determination.
- Actively build the capacity and capability of hapu, mana whenua and mataawaka.
- Are a shared enterprise, offering mutual benefit to Māori and non-Māori.
- Take account of the needs and interests of Māori partners, and ensure our needs and interests are clear to Māori looking to partner with us.
- Help to achieve equality of outcomes for Māori.
- Assist Māori in the development of their properties and taonga.
- Respect Te Ao Māori and Māori tikanga, including:
  - accommodating Māori decision-making structures and processes
  - referring to marae as marae, not facilities, upholding their mana by observing tikanga, and encouraging others to do the same
  - acknowledging and valuing the maataura and resources that go into providing manaakitanga
  - acknowledging that the needs of iwi, hapu and whanau must take precedence on marae.

Further, we will:

- Acknowledge Māori hold a long-term holistic view of the world, where values and relationships are paramount.
- Acknowledge that individual partnership arrangements need to align with the kaupapa and aspirations of individual hapu, marae or Māori organisations.

Welcome partnership discussions with marae and Māori facilities already serving their communities, to explore how the council can (support) their activities.
Facility partnerships with marae

We recognise marae as focal points for Māori social, cultural, and economic development.

Marae are specifically identified in the Community Facilities Network Plan as potential partners.

Marae in Tāmaki Makaurau may be mana whenua, mataawaka or tauroa here, large or small, rural or urban.

Some are primarily gathering places for their iwi or hapu, others are situated within school, church and institutional settings.

Many play a broader community role, hosting a holistic range of activities including:

- papakāinga and emergency accommodation
- formal and informal gatherings
- language and cultural instruction
- Māori arts and cultural activities
- health and wellbeing centres
- community and rongoā (medicinal) gardens
- whānau-centred social services

Marae have distinct characteristics that facility arrangements will acknowledge and reflect.

Marae are unique.

Marae are inseparable from their whenua, their tupuna, their people and their history.

The word ‘facility’ doesn’t fully express their unique role, or recognise the integral practice of manaakitanga.

Marae are taonga.

Marae have mana; they are a taonga. Marae have specific tikanga that must be followed to uphold their mana.

Marae also contain many taonga, especially in their wharenui, and some have pa or uru pa on their sites that are off-limits for visitors.

Marae are turangawaewae.

For Māori, marae are their home and ‘a place to stand’, and their needs must take precedence.

Marae may be required by iwi, hapū and whanau at short notice – e.g. for tangi – and can’t be available to the community at these times.

For example:

- *Mana whenua:* Māori with territorial rights in Tamaki Makaurau, who belong to and derive power from the whenua (land), and who have authority and jurisdiction over the whenua or rahe (territory).
- *Mataawaka:* Māori who are not mana whenua and have not retained their identity and links back to their tribal homelands. Mataawaka or ‘urban’ marae are pan-tribal, and welcome Māori of all affiliations, or none.
- *Tauroa here:* Urban Māori who retain their identity and links back to their tribal homelands. Some tauroa here groups have whakapapa or historical links to particular sites in Tamaki Makaurau, and have received the blessing of mana whenua to develop marae there.

The council may partner with:

- Iwi and hapu
- Marae (mana whenua, mataawaka or tauroa here)
- Other whakapapa-based groups (where members descend from a common ancestor)
- Kauapa-based Māori organisations (formed around a specific purpose)
- Tokiwā-based Māori organisations (focused on a particular place)
2. The model
Shaping facility partnerships

Facility partnerships are not ‘one size fits all’.

The council will consider a wide range of partnership arrangements, within broad parameters. The important thing is not a partnership’s size or shape, but whether it has the necessary ingredients to successfully and sustainably meet the community’s needs.

This section outlines the key decision-making and management stages in our process, and the building blocks of our facility partnership model: Tracks, Types, and Scales.

**TRACKS**

The tracks reflect whether the council or the partner(s) initiate the facility partnership, and how this impacts our investment and decision-making.

**TYPES**

Our four broad types of facility partnership are primarily differentiated by the ownership of the proposed facility, and how we invest in it.

**SCALES**

Our facility partnership scales reflect the project’s size and complexity, and will shape the level of planning and due diligence we and partners must undertake.
The facility partnerships lifecycle

All facility partnership proposals pass through the same overarching process decision-making process, but what happens at each stage will vary depending on the model of each individual partnership.

Staff will work with potential partners to establish their proposed partnership’s Track, Type and Scale, and develop a customised “road map” to help them anticipate the journey ahead.

---

**Stage 1**
- Introduce & identify
  - Outline the proposal at a high-level and gauge support
  - Establish conversations between council and potential partners to scope the facility idea, the outcomes it will deliver and likely investment required

**Stage 2**
- Strategic assessment
  - Build the case for the proposed facility and partnership
  - Research the need or opportunity to provide an evidence base for the proposed facility and partnership, and make the case for investment

**Stage 3**
- Initiate / scope
  - Scope the facility, the partnership and funding plan in more detail
  - Flesh out the proposal to outline a high-level facility specification, potential location(s), likely governance and operating model and a business plan

**Stage 4**
- Plan & evaluate
  - Make the business case for the project’s desirability, feasibility and viability
  - Prepare and cost facility concept plans, firm up the location, operating model and business plan, and undertake cost/benefit analysis

**Stage 5**
- Detailed planning
  - Prepare a detailed project and funding plan and partnership agreement for approval
  - Complete detailed project planning, confirming costs, funding and timelines, obtaining approvals and consents and finalising legal arrangements

**Stage 6**
- Execute & deliver
  - Execute the project plan, open the facility
  - Complete and sign off any capital works (build and fit out or re-purpose and refit), open the new facility and formally celebrate the launch of the facility partnership

**Stage 7**
- Review / renegotiate
  - Monitor and periodically review facility partnership over agreed term
  - Monitor and evaluate facility and partnership performance as agreed to ensure requirements are met, appropriate support is available and outcomes will be delivered

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**Key Documents at each stage**

<table>
<thead>
<tr>
<th>Facility Partnership Canvas</th>
<th>Initial proposal</th>
<th>Full proposal</th>
<th>Feasibility study</th>
<th>Final facility design</th>
<th>Project reports</th>
<th>Performance reports</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strategic assessment</td>
<td>Schedule of spaces, bulk and location plan (if appl.)</td>
<td>High-level funding plan and business plan</td>
<td>Business case(s)</td>
<td>Detailed project, funding and business plans</td>
<td>Performance reports</td>
<td>Facility Partnership Review</td>
</tr>
<tr>
<td>Needs assessment</td>
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</table>
**Is it a facility partnership?**

Auckland Council invests in community outcomes in a range of ways. These include operating facilities and services directly, supporting the community sector’s delivery through grants, partnerships and leases, and procuring services from market providers. The table below shows where facility partnerships fit, and how they relate to these other key mechanisms for investing in outcomes.

<table>
<thead>
<tr>
<th>What is the council funding or providing?</th>
<th>Mechanism</th>
</tr>
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<tbody>
<tr>
<td>Services only</td>
<td>Sports, arts or community services and activities, directly delivered by the council</td>
</tr>
<tr>
<td></td>
<td>Community grants for services and activities delivered by sports, arts and community organisations</td>
</tr>
<tr>
<td></td>
<td>Council procures sports, arts or community services and activities from private sector providers</td>
</tr>
<tr>
<td>Services and assets</td>
<td>Council-owned and operated sports, arts and community facilities</td>
</tr>
<tr>
<td></td>
<td>FACILITY PARTNERSHIPS with sports, arts and community organisations</td>
</tr>
<tr>
<td></td>
<td>Council procures community access to private sector facilities</td>
</tr>
<tr>
<td>Assets only</td>
<td>Parks, open space and non-staffed council facilities (e.g. venues-for-hire)</td>
</tr>
<tr>
<td></td>
<td>Community leases for council properties (land and buildings) – occupied by sports, arts and community organisations</td>
</tr>
<tr>
<td></td>
<td>Council properties (land and buildings) commercially leased by the private sector</td>
</tr>
<tr>
<td>Who is leading delivery?</td>
<td>Council-led</td>
</tr>
<tr>
<td></td>
<td>Community-led</td>
</tr>
<tr>
<td></td>
<td>Market-led</td>
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</tbody>
</table>
This diagram shows some of the particular characteristics or changes in circumstance that could trigger a move between a facility partnership and one of the four other investment mechanisms shown.
Starting the partnering conversation
Partnerships can be initiated by either the council or the partner(s). The Track a partnership starts on will impact the investment available, and when and how proposals will be accepted.

<table>
<thead>
<tr>
<th>PROACTIVE TRACK</th>
<th>RESPONSIVE TRACK</th>
</tr>
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<tbody>
<tr>
<td>Council actively seeks potential facility partners through an open tendering process</td>
<td>A potential facility partner(s) approach council, which triggers a tendering process</td>
</tr>
<tr>
<td>Council approaches a potential partner(s), with an opportunity specific to them</td>
<td>A potential facility partner(s) approach council, about an opportunity specific to them</td>
</tr>
</tbody>
</table>

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<thead>
<tr>
<th>Funding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fully or partially budgeted through the Long-term Plan In-kind support may also be available</td>
</tr>
<tr>
<td>Unbudgeted In-kind or contestable funding support may be available</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Getting started</th>
</tr>
</thead>
<tbody>
<tr>
<td>Starts with Community Facility Tender (EOIs) (Stage 2)</td>
</tr>
<tr>
<td>Starts with early conversations (Stage 1)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Progressing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Opportunities may be advertised and proposals progressed at any time of the year</td>
</tr>
<tr>
<td>Stage 1 and 2: decisions to progress twice per year Stage 3 and 4 proposals requiring funding: decisions to progress once per year</td>
</tr>
</tbody>
</table>
Proactive Track

Proactive Track partnership opportunities are aligned to network gaps identified by the council in the relevant network and investment plans. The council allocates budget to address high priority network gaps through the Annual Plan and Long-term Plan processes. When an indicative budget has been allocated to address a high priority gap, the council will identify those opportunities which may be suitable for partnership delivery, and release a Facility Partnership Tender to call for proposals from potential partners.

As these opportunities have been identified by the council through its own network planning processes, some aspects of the business case for a facility partnership on the Proactive Track will already be in place. These specifications will inform the Facility Partnership Tender, which begins with an Expressions of Interest round (Stage 2), followed by the preparation of detailed project plans and business cases for shortlisted proposals (Stages 3 and 4). Business cases for market and direct delivery options may be considered alongside partnership options.

In some cases, the council may have a specific gap where there are only one or two potential partners due to the nature of the location, activity or population being targeted. In these cases, the council may approach a partner or partners directly to explore the opportunity together.

Decisions to progress Proactive track proposals through the key gates in our decision-making process (Gates 2, 3 and 4) will be made by the relevant decision-maker at regional or local level.

Responsive Track

Responsive Track partnerships are those where a partner identifies a gap or unmet need in their community or sector, and approaches the council for support.

By their nature, there is no ‘budget’ set aside for Responsive Track partnerships, and potential partners will have to do more upfront work to make the case for investment. This includes not only any funding that may be required, but the staff resource to support the relationship over time.

If the investment required is significant, Responsive Track partnerships would need their regional or local decision-maker (as appropriate) to advocate for new funding through the Annual Plan or Long-term Plan process.

However although funding is more limited for Responsive Track partnerships, decision-makers may still be able to commit other kinds of support – e.g. use of council assets, or support from staff – if they accept the idea has merit and meets a genuine community need.

Partners can initiate early conversations on the Responsive Track at any time (Stage 1). Responsive Track Proposals at Stages 1 and 2 will be assessed by staff twice per year, with decisions to progress to the next stage made by the regional or local decision-maker.

In some cases, the decision-maker may agree that the need identified in a responsive Track proposal is a priority, but want to initiate a wider tendering process to explore alternative ways of addressing it before committing to a specific partner or partnership.

Responsive Track proposals at Stages 3 and 4 that require funding will be assessed by staff once per year, prior to the Annual Plan, to enable unbudgeted funding requests to pass through approval Gates 3 and 4 as part of the Annual Plan process.
## Types

**What the partnership will involve, and who owns the facility**

All facility partnerships will fit into one of our four broad types. The types are differentiated by the ownership of the land, and whether we are building new or working with an existing property.

The facility partnership type is significant to our decision-making process, because it will determine:

- Need for funding, or committing the use of council assets (land and buildings)
- Whether we will be working with other funders/investors
- Steps we need to go through at each stage, including planning and consenting through the council's regulatory arm
- Form and complexity of the legal agreements that will underpin the partnership
- Some projects may transition from one type to another, through discussions, research, and reformulating the proposal, or as new opportunities present themselves over time.

<table>
<thead>
<tr>
<th>Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1 DEVELOPMENT</strong></td>
<td>Partnership</td>
</tr>
<tr>
<td><strong>2 ASSET</strong></td>
<td>Partnership</td>
</tr>
<tr>
<td><strong>3 ACTIVATION</strong></td>
<td>Partnership</td>
</tr>
<tr>
<td><strong>4 ACCESS</strong></td>
<td>Partnership</td>
</tr>
</tbody>
</table>

### Development Partnership

- When the council partners with another organisation(s) to:
  - Develop a new facility, or significantly upgrade an existing one, on land owned by the council.

### Asset Partnership

- When the council partners with another organisation(s) to:
  - Develop a new facility, or significantly upgrade an existing one, on land owned by a partner.

### Activation Partnership

- When the council partners with another organisation(s) to:
  - Activate a vacant or under-utilised council property as a community, arts or sports facility.

### Access Partnership

- When the council partners with another organisation(s) to:
  - Open up (or increase) community access to an existing facility owned and operated by a partner.

### Examples

**New Facility**

- **COUNCIL LAND**
  - E.g.: Five sports codes get together to develop an indoor sports centre on the site of an old squash club on a council reserve.

- **PARTNER LAND**
  - E.g.: New outdoor courts and playing fields for community use are developed on school property owned by the Ministry of Education.

**Existing Facility**

- **COUNCIL LAND**
  - E.g.: Artist studios and exhibition space are established in an empty council property.

- **PARTNER LAND**
  - E.g.: A marae is funded to provide bookable community space in a fast-developing rural area.
## Attachment B

### Item 18

<table>
<thead>
<tr>
<th>Development partnership</th>
<th>Asset partnership</th>
<th>Activation partnership</th>
<th>Access partnership</th>
</tr>
</thead>
<tbody>
<tr>
<td>May be able to leverage other government / philanthropic funds towards capital development costs</td>
<td>May be able to leverage other government / philanthropic funds towards capital development costs</td>
<td>Majority of investment is in-kind, so lower upfront (cash) cost, reducing cost to ratepayers</td>
<td>Provides a lower (cash) cost way to address a network gap compared with building a council facility, reducing cost to ratepayers</td>
</tr>
<tr>
<td>Should provide a lower (cash) cost way to address a network gap compared with building a council facility, reducing cost to ratepayers</td>
<td>Should provide a lower (cash) cost way to address a network gap compared with building a council facility, reducing cost to ratepayers</td>
<td>Activates existing council property – often well-located with other community infrastructure</td>
<td>Good option in growth areas with limited land available for facility development</td>
</tr>
<tr>
<td>Activates existing council land – often well-located with other community infrastructure</td>
<td>No reduction of open space</td>
<td>Can build on existing relationships with proven delivery partners</td>
<td>Suits partners with spare capacity looking to increase their use and revenue</td>
</tr>
<tr>
<td>Opportunity to build capability and capacity of community organisations to meet their own needs, and leverage volunteer input</td>
<td>No council land involved can mean a shorter process; faster to progress to design and build stage</td>
<td>Opportunity to build capability and capacity of community organisations to meet their own needs, and leverage volunteer input</td>
<td>Partner likely to be an experienced facility operator with proven track record</td>
</tr>
<tr>
<td>Long-term network solution, as the asset will usually be vested to council at conclusion of partnership</td>
<td>Partner may be an experienced facility operator with proven track record</td>
<td>Low risk arrangement, either side can exit relatively easily</td>
<td>Opportunity to recognise role and build capability and sustainability of existing community facilities</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Low risk arrangement, either side can exit relatively easily</td>
</tr>
</tbody>
</table>
Attachment B

Item 18

1. DEVELOPMENT partnership

- Inexperienced partners may need substantial support to plan, design, and build facility, and develop into facility operator role (funding and/or staff time)
- Reduces public open space (or other council land)
- Additional steps in planning and consenting process where the council is the landowner
- Can be complications if commercial activities planned to sustain facility operation, especially if land is held under Reserves Act
- If asset paid for by community, need clear governance, legal structure and exit strategy – as the landholder, ownership technically remains with the council

2. ASSET partnership

- Inexperienced partners may need substantial support to plan, design and build facility, and develop into facility operator role (funding and/or staff time)
- Multiple partners involved in funding, owning, managing, using asset and land can make decision-making more complex
- Tensions may develop between community and partner use over time (e.g., facilities on school land)
- May not be a long-term network solution; community access not guaranteed past partnership term

3. ACTIVATION partnership

- Smaller partners may need substantial support to develop into facility operator role (funding and/or staff time)
- Removes a property from another portfolio (e.g., venues-for-hire)
- Property may not be fit for purpose (e.g., accessible) without upfront asset improvements
- Where capital work is required, council as property owner means additional steps in planning, consenting, procurement processes
- Activating a council property will impact already stretched maintenance and renewals budget

4. ACCESS partnership

- Presumes existence of partners with desirable facilities + spare capacity
- Property may not be fit for purpose (e.g. accessible) without upfront asset improvements
- Tensions may develop between community and partner use over time
- Not a long-term network solution; community access not guaranteed past partnership term
The size, complexity and risk of the partnership

Allocating each facility partnership a ‘Scale’ is the main way we will ensure our requirements and influence over decision-making will be proportionate to the circumstances.

**Fit-for-purpose process**

Because no two partnerships are the same, it’s important to ensure that our assessment, decision-making and management processes and practices are fit-for-purpose, and will protect the interests of the council, our partners and our communities.

We won’t over-burden simple, low-cost, low-risk partnerships with excessive costs, processes and paperwork. But we will make sure that we fully investigate and monitor larger, higher risk and more complex partnerships that will receive significant public investment. This is about balancing our ‘empowering and enabling’ role with our obligations as a public entity.

The facility partnership Scale is significant to our decision-making process, because it will determine:

- the planning, financial planning and due diligence we will undertake, and expect partners to undertake
- the documents and evidence we will need to inform our decisions, and how in-depth these will need to be
- any council support available to help partners complete each stage and progress to the next decision gate
- who will make the decision at each gate, and how this will happen
- approximately how long each stage might take and any associated costs (e.g. consent fees, professional services)
- the level of risk management and monitoring we will require

**Influence over decision-making**

Ideally, all partners would invest equally in a facility partnership, hold equal power, and share the risks equally, but this won’t always be the case. In most facility partnerships Auckland Council has been involved with, the council has been the biggest investor, taken on the most risk, and had the most at stake if the partnership or the facility were to fail.

We will expect a level of influence over key decisions that is proportionate to our level of investment and risk in the partnership, and the capability of our partners.

By ‘key decisions’, we mean those relating to:

- The facility's location, size, design, construction and fit-out
- The facility’s operating model, financial management and key staff appointments
- The partnership’s legal structure, governance arrangements, and exit provisions.

Staff will work with partners during the early and middle stages of facility partnership development to shape governance and management arrangements that enable our agreed decision-making role.

Even where the council has a greater say in decisions, partners should still benefit from being in the partnership, and feel respected and supported in all of their dealings with us.
### Allocating Scale

There are six determining factors that will determine a partnership’s Scale:

- Overall value of our investment
- Proportion of the total cost council is investing
- Complexity / complicating factors
- Level of risk to council
- Use of council assets
- Proven capability of partner(s)

#### Different partnership proposals will sit at different points on the grid for each of the six factors.

**In assessing a specific facility partnership, we will use the highest scoring factor to determine the Scale.**

The higher the Scale, the longer the project is likely to take, and the more costs partners should expect along the way.

<table>
<thead>
<tr>
<th>Factor / Scale</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overall value of investment over first 10 years</td>
<td>&lt; $2m</td>
<td>$2m - $5m</td>
<td>$5m - $10m</td>
<td>&gt; $10m</td>
</tr>
<tr>
<td>Proportion of the total cost council is investing</td>
<td>Less than 20%</td>
<td>20% - 49%</td>
<td>50% - 74%</td>
<td>75% or more</td>
</tr>
<tr>
<td>Complexity / complicating factors</td>
<td>Low complexity</td>
<td>Medium complexity</td>
<td>High complexity</td>
<td>-</td>
</tr>
<tr>
<td>Level of risk to council</td>
<td>Low risk for council</td>
<td>Some risk for council</td>
<td>Medium risk for council</td>
<td>High risk</td>
</tr>
<tr>
<td>Use of council assets</td>
<td>Funding support only</td>
<td>Occupying an existing council building</td>
<td>Building on council land</td>
<td>-</td>
</tr>
<tr>
<td>Proven capability of partner(s)</td>
<td>High capability, excellent track record</td>
<td>Good capability, satisfactory track record</td>
<td>Adequate capability, some track record + professional support</td>
<td>Adequate capability, some track record</td>
</tr>
<tr>
<td>How we see our status within the partnership</td>
<td>Minority partner</td>
<td>Cornerstone partner</td>
<td>Primary partner</td>
<td>Guiding partner</td>
</tr>
<tr>
<td>Anticipated decision-making role</td>
<td>Partner(s) keep council closely informed of key decisions</td>
<td>Partner(s) consult council prior to key decisions</td>
<td>Council and partner(s) take key decisions together</td>
<td>Council guides key decisions in consultation with partner(s)</td>
</tr>
</tbody>
</table>
The ‘overall level of investment’ will include both capital (construction) and operational (overhead) costs calculated over the first ten years of the partnership. We will also take into account the market value of any assets made available to the partner.

Our ‘proportional level of investment’ will be calculated on the basis of council’s share of the total costs of the project over the first ten years of the partnership.

‘Complicating factors’ could include land status, zoning and condition, numbers and types of partners involved, and the proposed ownership, governance and management model for the new facility. Greater complexity may shift the project into a higher scale, even if the overall value is low.

Where the land or building involved is a council asset, the council has an even greater responsibility to safeguard the wellbeing and interests of the wider community, and consider how the facility partnership may impact them. Accordingly, we will expect to have more influence where council-owned assets are involved.

Our ‘level of risk’ will be assessed by council staff based on the specific circumstances of the partnership, the partners, the facility and the site.

Our ‘partners’ capability’ will be assessed primarily on the basis of their track record of facility delivery and/or service delivery at an appropriate level, and/or whether they have factored in the support of suitably skilled and experienced professionals.
Who makes investment decisions?

Auckland Council has two complementary decision-making parts. The two governance arms each have distinct decision-making responsibilities for facility partnerships.

The governing body...
- Focuses on region-wide strategic decisions
- Decides where and when the council will invest in the facility network to address gaps and respond to growth
- Develops regional strategies - e.g. for arts and culture, sport and recreation – that set outcomes and priorities for investment
- Sets budget envelopes for overall facility network, and any major facility investments or upgrades through the Long-term Plan
- Govern regional facility partnership relationships, funding or lease agreements and performance reporting

Local boards...
- Make most decisions on local places, facilities and activities
- May work together to support facilities that benefit several local board areas
- Set outcomes and priorities for local investment through local board plans
- Identify local facility needs and advocate for investment through the Long-term Plan
- Govern local and sub-regional facility partnership relationships, funding or lease agreements and performance reporting
- Allocate local discretionary funding
3. The investment

This section sets out the ways in which we and our partners might invest in facility partnerships, what kinds of partnerships we can invest in, and the principles that will guide that investment.

How the council can invest in facility partnerships

- **Funding**
  - Operating costs
  - Capital development
- **Use of a public building**
- **Use of public land**
- **Maintenance and renewals**
- **Staff support and technical expertise**

How our partners can invest in facility partnerships

- **Funding**
  - Operating costs
  - Capital development
- **Use of land or a building**
- **Pro bono expertise**
- **Volunteer time**
- **Management & programme expertise**
- **Community insight and networks**

We will value our ‘in-kind’ support to provide a more accurate picture of our investment.

Where a partnership includes investment ‘in-kind’ – e.g. free or very low-cost use of a council property, technical expertise or ongoing staff support – we will estimate the equivalent market value of the resource and include this in our calculations. We will encourage and support our partners to do the same.

This will enable the council to compare the true cost and value of different partnership options when making investment decisions, and when calculating the returns. In many cases we will want to compare in-house delivery, market provision and a range of partnership options before making investment decisions.
Our investment principles

We will take a principled approach to facility partnership investment decisions. These investment principles underpin our eligibility criteria and investment priorities.

We will:

- **Principle 1**
  **Invest strategically, based on outcomes:**
  We will invest to deliver the outcomes outlined in our strategies, policies and plans. We will judge success based on the benefits delivered for communities on the ground.

- **Principle 2**
  **Invest to help achieve equity for all Aucklanders:**
  We will invest to address known community needs and network gaps first. This is about enabling everyone to have access to good quality facilities regardless of their circumstances. Our investments will balance meeting the needs of existing and new communities, and communities of place, interest and identity. This may not mean the same levels or types of provision in every area.

- **Principle 3**
  **Invest wisely, to deliver the maximum value for Aucklanders:**
  By value, we mean the services, activities and assets (outputs) and the social, cultural, economic and environmental benefits (outcomes) that a partnership will deliver. We will invest in these facility partnerships that provide the best overall return on investment.

- **Principle 4**
  **Invest for sustainability:**
  We will seek investments that balance our desire to support community-led innovation, with the need to protect the council and the community from risk. We will only invest in facilities we’re confident will be desirable to users, feasible to deliver and viable to operate. We won’t enter partnerships unless we’re confident we can commit to resource an ongoing relationship.
What the principles mean for eligibility

Facility partnerships may take a wide range of forms, reflecting their diverse communities and circumstances. The eligibility criteria for receiving council investment through facility partnerships reflect our investment principles, and our duties and obligations as a local authority.

Ineligible proposals won’t be progressed, although staff may be able to suggest alternative funding partners if the council can’t assist.

Principle 1

Investing strategically

We will only invest in:

1. Facility partnerships where the outcomes sought are a good fit with the council’s and the other partner(s)’ kaupapa (purpose) as set out in our strategies, policies and plans, and the partner(s)’ own vision, constitution, organisational strategy and/or business plan.

We won’t invest in facilities that:

2. Primarily deliver housing, education, health or other services that are the responsibility of central government. UNLESS the council is a minority investor alongside the relevant central government agencies AND we’re satisfied that our investment will support enhanced community, Māori, arts, sport or recreation outcomes in line with our responsibilities as a local authority.

Once operating, we expect all partnership facilities to be:

3. Non-discriminatory, physically accessible to people of all abilities, and in all other respects compliant with New Zealand (and applicable international) human rights legislation.
Principle 2: Investing equitably

We will only invest in:

4. Facilities that address **identified facility network gaps or unmet community needs**. We will consider the broader picture of provision when assessing ‘need’, including the availability of non-council facilities that are accessible and affordable to the same target users. Our definitions of community are not just place-based, but also encompass communities of identity and interest.

5. Facilities that will be open for **use by the wider community**. (Facilities may be purpose-built for a particular activity, but shouldn’t be exclusively for the use of the partner organisation(s) and their members, or their membership should be open to anyone who wishes to join).

We won’t invest in facilities that:

6. Are **places of worship** or other buildings with religious purposes, OR will offer services or activities in order to promote a religion.

7. Are **political** party offices OR will offer services or activities in order to promote a political cause.

8. Are, or include, **commercial premises**, unless certain conditions are met (see ‘Facility partnerships and commercial activities’ p.31).

Once operating, all partnership facilities must be:

9. **Affordable**, i.e. set their fees and charges at or below the level charged by similar community facilities.
Principle 3

Investing wisely

All facility partners must be:

- A registered charitable organisation,
  OR agree to invest profit (beyond any agreed cap) back into the facility, or
  an approved community purpose.

We will only invest in:

- Developing new facilities where we agree that a new built asset is
  essential to deliver the outcome, rather than a service, activation or
  access response.

- Facility partnerships that we are confident will deliver the same level of service to the community over the same period compared with the alternatives,
  a) AND at a lower total cost to ratepayers (accounting for all forms of support and investment over the life of the partnership, including any opportunity costs).
  b) OR at a similar or higher cost than alternatives, but where additional value will be delivered in return (in line with other strategic priorities).

We won’t invest in facilities where:

- Analysis shows it would be more cost effective for the council or partner(s) to deliver the facility directly, and there isn’t sufficient extra value gained to outweigh the costs.

Where the facility partnership will include capital works:

- That are paid for by the council (in part or in full) or involve council-owned property, at any point during the term of the partnership, the procurement of goods and services must align with Auckland Council’s Procurement Policy.

Once operating, we expect all partnership facilities to be:

- Safe, properly maintained and legally compliant for public use.

- Willing and able to meet reasonable accountability and monitoring requirements.
Principle 4

Investing sustainably

We will only invest in:

17. Facilities that we are confident will be financially viable and sustainable - i.e. have credible business models to meet establishment costs and ongoing operating costs (including any council investment).

All facility partnerships must be:

18. Formally constituted organisations with a recognised legal structure.

We won't invest in facilities that:

19. Have joint ownership (e.g. where the council would own one level, storey or area of a building or structure, and partner(s) would own another).
Facility partnerships and commercial activity

We recognise businesses and commercial activities can play a role in enabling viable facility partnerships, and we will support this in certain circumstances.

Facility partners may engage in commercial activities to offset their costs.

Council will actively encourage community partners to explore appropriate revenue generation opportunities to help them meet their ongoing operating costs. This could include commercial activities run directly by the partner (e.g. a gallery shop or a coaching programme), a concession run by a private operator (e.g. a café), or operating a social enterprise that supports the facility (e.g. a community garden).

The following conditions will apply to facility partnerships that incorporate commercial activities in their business model, including social enterprises:

1. We must agree that the proposed commercial activity complements the purpose of the facility, and will increase public use and enjoyment of the facility and/or the surrounding site.

2. The zoning of the land must allow commercial activity of the type proposed. OR the land can be re-zoned to allow it, and the relevant decision-maker must support this change (investment in the partnership will remain contingent on this re-zoning).

3. Any commercial activities related to the facility partnership must return all profits to offset the operating costs of the facility, or in the case of a concession run by a private operator, to pay a lease set at market rates.

4. Any surplus generated by commercial activities must be reinvested in the facility, or a community purpose approved by us.

Businesses can be co-investors in facility partnerships.

Council will consider co-investing in a partnership alongside businesses that want to sponsor or otherwise support facilities in their communities. In these cases, Auckland Council's Strategic Partnerships Policy will apply.

Businesses can express interest in a facility partnership opportunity.

Proposals on the Proactive Track: Businesses can respond to a Facility Partnership Tender advertised by the council. If selected to proceed past the first (EOI) stage, the relevant sections of the Auckland Council Procurement Policy and processes will apply thereafter.

Proposals on the Responsive Track: Auckland Council’s Unsolicited Proposals Policy will apply where businesses approach the council about a facility partnership outside of the Facility Partnership Tender process. Refer to ‘Proactive and Responsive Partnership Tracks’ in section 4: The Model for more information about the Tracks.

From time to time, the council may contract commercial enterprises to manage council facilities through a formal procurement process, with opportunities advertised in the usual way. These are not facility partnerships for the purposes of this policy.
Facility partnerships and commercial activity

- **Not-for-profit**
  - Charity supported by grants & donations
  - Sells some good or services to help fund core social mission

- **Social enterprise**
  - Social purpose business
  - Directly fulfils a core social mission through trading

- **For-profit**
  - Socially responsible business
  - Trades in order to fund a core social mission fulfilled by others

Charitable organisations and social enterprises can enter facility partnerships with us, and engage in commercial activities to offset their costs (subject to the conditions outlined on the previous page.)

Businesses can be co-investors, or express interest in an advertised partnership opportunity.
Using the principles to prioritise

In a growing city, with constrained funding and limited land and buildings available for community use, the council can’t support every facility partnership proposal we receive. Decision-makers will consider a range of factors to determine which partnerships will deliver the most benefits for Auckland — both financial and non-financial — and are the soundest choice.

We will prioritise some facility partnership projects over others, in line with the commitments made to Auckland, and with Aucklanders, in our existing strategies, policies and plans. We will identify the partnerships that are most likely to make an impact, in the areas Aucklanders have agreed investment is most urgently needed.

Our priorities directly align with our investment principles, and we expect all successful proposals will address at least one priority. Partnership proposals that meet multiple priorities will have a considerable advantage.

**Principle 1**
Investing strategically

We will target our investment towards facility partnerships that:

1. Will deliver priority outcomes in line with our existing strategies, policies and plans.
2. Are Māori-led, and/or help to celebrate Māori as Auckland’s unique point of difference in the world, and/or honour documented commitments to Māori made by the former councils in the Auckland region.
3. Will capitalise on opportunities presented by the development or transformation of areas of rapid growth and intensification.

**Principle 2**
Investing equitably

We will target our investment towards facility partnerships that:

4. Target underserved populations (communities of place, interest and identity).

**Principle 3**
Investing wisely

We will target our investment towards facility partnerships that:

5. Optimise use of the council’s or the community’s existing facilities and assets, including current facility partnerships that can make the case for further investment.
6. Are for multi-purpose facilities (i.e. which can be used for a broad range of activities), and/or bring together multiple organisations and groups, who would otherwise require separate premises.

**Principle 4**
Investing sustainably

We will target our investment towards facility partnerships that:

7. Can leverage other sources of income or investment, meaning the council will be covering less than 50% of the construction and/or establishment costs, and/or less than 25% of the ongoing operating costs.
8. Will develop facilities which are environmentally low-impact and sustainable in their design, construction and operation.
Boosting the likelihood of investment

Even after applying our investment principles, eligibility criteria and priorities, our funds and assets will still be oversubscribed. This page outlines other matters our decision-makers will take into account when choosing between partnership proposals.

Staff will look for the following when advising decision-makers:

**Principle 1**
Investing strategically

- ✔ Where the partnership will build the capacity, skills and resilience of the partner(s) and the community.

**Principle 2**
Investing equitably

- ✔ Where the proposed partnership would:
  - honour a historical commitment between the council and the partner(s) to work together,
  - significantly increase goodwill, confidence or trust in the council within the facility’s host community from a low base,
  - otherwise have a significant, positive knock-on or ripple effect in the host community.

**Principle 3**
Investing wisely

- ✔ Where the partnership would secure a prime location for the facility otherwise unavailable or unaffordable to the council, and this location is likely to be a major contributor to its success.
- ✔ Where the partnership facility would likely be better used than a standard council-managed facility of the same type, because the partner(s):
  - have an established reputation with the local community,
  - have better access to the facility’s intended users than the council, and/or are better positioned to provide locally or culturally appropriate services.

- ✗ Where one or more partners (including the council) feel they’d need to control the majority of decisions, to an extent that is disproportionate to their level of investment and risk.

**Principle 4**
Investing sustainably

- ✔ Where the partnership would leverage an established working relationship between the council and the partner(s).
- ✔ Where the partnership would attract significant volunteer input, pro bono expertise, or discounts on goods or services for the facility which are otherwise unavailable to the council.
- ✔ Where each partner’s proposed roles and responsibilities reflect their individual strengths.
- ✔ Where the proposed partnership is ‘win-win’ and will provide clear mutual benefit for all parties, without undue workload, pressure or risk falling on smaller partners.
- ✗ Where there’s either no ability or no desire to adjust the partnership - e.g. its structure, deliverables, investment levels - if circumstances change or initial expectations prove unrealistic.
4. The relationship

Partnerships may be agreed between organisations – but ultimately, they are formed between people. Relationships are what make partnerships different to contracts, and lift the commitment between partners above a transactional arrangement.

Quality relationships are foundational for a healthy facility partnership: they set the tone for all of the work the partners do together, and are the springboard for any future collaboration. Good relationships are built on trust and good faith, mutual understanding and mutual respect. Good relationships can only be built over time and require ongoing effort.

Auckland Council has committed to taking an Empowered Communities Approach when entering relationships with community-led organisations and projects – including facility partnerships. An empowered community is one where individuals, whānau and communities can influence decisions, take action and make change happen about the issues that matter to them.

The council’s Empowered Communities Approach is based on principles of equity, inclusion and collaboration and aligns closely with our commitment to realise Māori aspirations and outcomes. Our partnering principles provide guidance to council staff about how to work in ways that are more empowering of communities.

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Our partnering principles

Auckland Council will resource and treat facility partnership relationships with the care and commitment they deserve. This commitment to quality partnership relationships means we will:

1. Be open, honest and upfront with our partners (and potential partners) about what we can and can’t commit to and why, and follow through on the commitments we make. We will communicate regularly with our partners, and keep each other in the loop.

2. Take responsibility for ‘partnering on the inside’, acknowledging the council’s size and complexity can make us difficult to partner with. We will prioritise continuity in our relationships, and actively manage the transitions when key people change.

3. Factor in adequate frontline and specialist staff support as part of the business case for any new facility partnership.

4. Recognise and value partners’ financial and non-financial contributions, and the risks all parties take by working in partnership. We will agree roles and responsibilities that play to our strengths, and allow all partners to meaningfully participate in decisions.

5. Support our partners in a way that builds capability in both directions: building the capability of our partners to do things for themselves, and of our own people to work alongside them.

6. Seek to respond together to any challenges we encounter, with formal disputes processes only used as a last resort. We will seek to work through any issues related to differences in our working style and culture.
Potential facility partners
Many different organisations and groups could play a role in providing or investing in facilities for Auckland:

Potential future facility partners for Auckland Council include:

- National and regional organisations in the community, arts and sports sectors
- Iwi bodies, marae and kaupapa Māori organisations
- Tertiary institutions and schools
- Local trusts, societies, cooperatives, groups and clubs
- Facility development trusts (set up to enable smaller organisations to collectively fund, develop, govern and manage a shared facility)
- Social enterprises, or other commercial organisations delivering community outcomes

Potential future co-investors in facility partnerships include:

- Business Improvement Districts (BIDs)
- Government ministries and departments
- Funding agencies / philanthropic bodies
- Post Settlement Governance Entities (PSGEs)
- Private, corporate and philanthropic entities

Our partners’ people can include:

- Boards of Trustees and Boards of Directors - may be paid or volunteers
- Kaumatua, iwi or hapū liaisons
- Management committees for smaller organisations, usually volunteers
- Management staff - e.g. chief officers, directors, general managers and facility managers
- Frontline staff - e.g. reception staff, coordinators, coaches, maintenance and cleaners - paid or volunteers
- Consultants, lawyers, accountants, fundraisers or other contracted professionals
Council support for facility partnerships

Our partners

Our elected members

The council family includes a range of skilled and experienced staff, each of whom helps to support facility partnerships in different ways. No one group of staff can provide quality support and advice on their own – we need everyone on board to do this well.

Staff involvement includes:

- Helping to prepare and secure facility partnership proposals and ideas, and making recommendations to decision-makers.
- Giving technical, financial and legal advice to partners and decision-makers, helping partners to navigate council processes and systems.
- Helping to design, plan, cost, consent and negotiate partnerships.
- Helping relationships with partners and managing funding and lease agreements once a facility is operational.
- Helping to build the capacity and capability of partners, when needed.
- Evaluating and reporting on the benefits delivered through facility partnerships.

Working directly with partners

Supporting frontline staff & elected members

Locally focused advisors
- e.g. local board staff, local community advisors, council iwi liaison, brokers

Communications & engagement advisors

Policy, strategy & research advisors

Sports, culture & recreation advisors
- e.g. arts and culture advisors, sport & recreation advisors, librarians.

Infrastructure, planning & consents advisors

Legal, risk & financial advisors

Facility managers, partnership managers & other key staff

Land, building & asset staff
- e.g. lease advisors, maintenance staff and contractors

Specialist staff
- e.g. iwi & hapu

Trust boards, directors, management committees

Customer service staff
- e.g. call centres & service centre staff

Attachment B Item 18
Our roles and responsibilities

The council is a large and complex organisation, with many different roles it must play simultaneously. These include regulatory / kaitiaki roles, and empowering / awhi roles. These roles may sometimes be in tension, or even direct conflict.

We can’t avoid this complexity, as each function and role we play is an important part of serving Auckland. But there will be limits to what we can do through partnerships, what we can do with or for our partners, and what our partners can do themselves.

In particular, the council must always:

- Keep people safe
- Ensure we and others comply with the law, and are seen to do so
- Act in ways that are consistent with our duties as a local authority and kaitiakitanga, and in alignment with our own policies and plans
- Balance competing interests among communities of place, interest and identity
- Set out to allocate scarce resources fairly, transparently, and for maximum benefit.

To help manage any tension between our roles we will:

- Be upfront: we will acknowledge, discuss and actively manage tensions as they arise, accepting that in some cases finding common ground will not be possible
- Be coordinated: where our different roles are in tension internally, we will try to ensure this is flagged early and resolved, before (further) commitments are made or work progressed
- Champion where we can’t act: sometimes, we may not be able to partner ourselves, but if we strongly support the kaupapa, we can help bring together others who can.

Lead relationship broker

We know that the council’s large size and complexity as an organisation can make us difficult for partners to build relationships with. Every facility partnership will be allocated a lead relationship broker within the council.

This person:

Will establish a relationship with the key people in the partner organisation.

Will be the first port of call for the partner(s), elected members and other council staff interacting with the partnership.

Is responsible for assisting the partner(s) to navigate council processes and systems, and accessing and/or coordinating advice from the ‘virtual team’ of specialist and technical staff involved in each facility partnership.

Will maintain an up-to-date file of key information about the facility partnership.

May change over the lifecycle of the partnership, but where this needs to happen the transition will be carefully managed.
5. The agreement

Clarifying and formally documenting the legal arrangements relating to the facility and the partnership is an important way to protect the short, medium and long-term interests of all parties.

Facility partnerships are some of the most complex arrangements we enter into, because they cover physical assets, often big investments and usually long periods of time — sometimes generations. The financial stakes are higher, the potential risks are greater, the considerations are more technical, and every choice carries an opportunity cost.

The graphic at right identifies a number of aspects relating to the legal side of facility partnerships, which underpin the formal arrangements Auckland Council can make with our partners and protect everyone's interests.

As no two facility partnerships are the same, the specific legal considerations will vary between projects. Staff will consult with our in-house legal team and ensure partners and decision-makers understand the potential implications of individual proposals from Stage 2 onwards. All parties must fully investigate and resolve the legal dimensions of a facility partnership to their mutual satisfaction before entering any formal agreement at Stages 3 or 4.

Our ethical practice principles

Auckland Council will run an ethical, prudent and inclusive facility partnerships programme. This means we will:

1. Be accountable for how we invest public money in facility partnerships and how we show the return on that investment, and require our partners to do the same.
2. Only take justifiable risks: we will balance our desire to support high-potential, community-led innovation, with our need to prudently invest public funds and protect the council and the community from risk.
3. Seek prior legal advice and formally document all facility partnership commitments and agreements (and any subsequent material changes), to ensure clarity for all parties.
4. Act fairly and transparently: we will be open and honest, and aim to balance the needs and interests of everyone involved in or impacted by facility partnerships.
5. Be inclusive in our intent, our processes and requirements, our decisions and our behaviours. We will work with partners who value inclusion and diversity.
6. Have a culture of seeking feedback, listening, reflecting and continuously seeking to improve, and we will encourage our partners to do the same.
Legal considerations

Organisational types
Auckland Council has specific rules and practices around partnering with some types of organisation – e.g. facility trusts, social enterprises, other types of commercial organisation and schools.

Partnership and facility management structure
The council, partner(s) and co-investor(s) will need to agree and document arrangements for the funding, ownership, governance and operation of the facility. This will include negotiating levels of partner and community access, identifying and mitigating conflicts of interest, agreeing when and how the partnership will be wound up, and if there will be options for early exit.

Financial obligations
Many facility partnerships will involve council grants or contracts for service as part of their funding model. These may be paid out in advance, in arrears, or as the project hits key milestones. Different types of payments have different tax obligations and accounting requirements.

Leasing council property
Partners establishing a facility in a council building will require a commercial lease, community lease or licence to occupy the property. Lease negotiations will include expectations and arrangements for property maintenance, renewals and improvements, and any sub-letting or co-tenancy arrangements.

Leasing council land
A partner-owned facility built on council land will require a ground lease, with provisions made for renewing the lease, vesting assets to council or remediating the land at the end of the lease.

Managing risk and disputes
The council and partners will need to identify, a range of possible risks early on, monitor these as the partnership proposal progresses, and actively manage them once the facility becomes operational. Partnership facilities will need to be fully insured and legally compliant for public use, with clear operational policies, clearly defined liability, and a process for managing disputes.
6. The facility

Land and building considerations

As an experienced facility provider, we understand how much is involved in planning, designing, constructing, running and looking after built assets that will do the job they’re built for, endure thousands of hours of community use, weather and all sorts of change in and around them – year in, year out.

This can be complex, specialised and expensive work. In entering facility partnerships, the council and partners will need to navigate both land considerations (planning, leasing and technical aspects), building considerations (design and construction, leasing, operation and maintenance). As no two facility partnerships are the same, the specific considerations will vary between projects.

We don’t develop community facilities for their own sake, but for what they enable people to do and achieve. We enter facility partnerships to enable activities where a physical space and/or built asset is an essential ingredient, and where this is currently missing.

If the space or asset isn’t critical or is already available, then a service-based solution – such as a new programme in the library, at the mall, or on the internet – might meet the need just as well as developing a new facility, and more cost-effectively. That’s why we will always look for service solutions first, which could include a facility partnership through our Access partnership model.

However many facility partnerships will involve developing new built assets, re-purposing or upgrading existing ones. They may not always involve developing buildings – an outdoor basketball court, for example – but there will always be a physical component.

The land

All facility partnerships have land considerations – they will sit on a specific site that is owned by someone, next to other properties, reached from a particular street, located in a neighbourhood, precinct, suburb and local board area, in the rōne (customary territory) of one or more mana whenua.

The area may have specific cultural, heritage or geotechnical features or significance, and it will grow and develop in accordance with its zoning under the Unitary Plan. Facilities will also take their place in a natural ecosystem – with its own character, behaviour, patterns and vulnerabilities.

The building or asset

A facility’s design, configuration, fit-out and operation can be the difference between a successful facility, an under-used facility, and a failed facility.

If building new, the planning, design and construction are critical phases for the project; they can be costly, complex and involve multiple decisions and trade-offs. Partners will require the support of qualified professionals.

If developing, re-purposing or activating an existing building, it may need renovation, new fittings or equipment, or improvements to come up to specification for public use. It may have special cultural or heritage significance, with added protection under the Unitary Plan. It may have existing tenants, or the potential to sub-let or bring in co-tenants.

All facilities need plans in place to manage regular community access and use, comply with leases and funding agreements, and the ongoing management, maintenance and renewal of the asset to keep it safe and in good condition.
6. The facility
Land and building considerations

1 Land considerations
- Land classification / status and statutory implications
- Landowner permissions
- Sites of significance to Māori
- Development restrictions (e.g. parkland, protected trees, viewsheds, height)
- Coastal inundation, susceptibility to flooding and other climatic considerations
- Ecological considerations / impacts
- Current condition and suitability of the land for a facility
  (e.g. contours, contamination)
- Infrastructure and services (utilities, waste water)

2 Location / site considerations
- Co-location with other community infrastructure
- Site position - e.g. street frontage, visibility to others on site
- Access and parking, proximity to public transport
- Local impacts (near neighbours, noise restricted activities)
- Suitability for commercial activities (if planned)
- Impact of new facility on other uses or tenants of the site

3 Facility purpose and use factors
- Overall floor area
- Layout and configuration
- Reception, office space, activity areas, kitchen, toilets, changing areas...
- Fixed vs. flexible spaces
- Fixtures and fittings
- Plant and equipment
- Storage

4 Design factors
- Quality design on a budget
- Materials and finishes (cost, aesthetics and durability)
- Building footprint and relationship with the surrounding site and area
- Māori design principles
- Universal design principles (accessibility)
- Sustainable design and energy efficiency
- Preserving heritage features
- Crime prevention security and access
- Integrated public art, community art
- Branding, naming, attribution and signage
- Landscaping and ongoing site maintenance

5 Building regulations
- Seismic (earthquake) strengthening
- Asbestos removal
- Building Energy Performance
- Fire safety
- Health and safety

6 Construction
- Resource & building consents
- Earthworks
- Choosing and managing suppliers
- Project and site management
- Contingencies

7 Facility operation
- Managing governors (e.g. trustees), facility staff
  (e.g. managers, tutors) and volunteers (e.g. coaches),
  including HR matters
- Commercial operations (e.g. cafes, pro shops, social enterprise
  opportunities)
- Managing bookings, hireage and memberships
- Fees and charges (members and public)
- Financial management (e.g. accounts, wages, cash handling)
- Building access and security
- Maintenance and renewal
- Cleaning and waste management
- Promotion and advertising
- Monitoring and reporting to council and other investors

Technical Support
The council employs expert technical staff across all of these areas. Our staff will consult with all prospective facility partners proposing Scale 3 and 4 partnerships from Stage 2 onwards (see p.13) and provide advice and support to all prospective facility partners (and/or their contracted professionals) from Stage 3 onwards.

Our technical staff and contractors will also be responsible for assessing the land and building aspects of facility partnership proposals, advising colleagues and decision-makers on these considerations, processing any relevant permissions and consents, and managing any ongoing asset management responsibilities assumed by the council.

Note: Landscaping considerations and approaches (which council owns the site) are addressed separately from the regulatory aspects.
Facility Partnerships with Māori

Summary report
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1  Context / Horopaki

Summary of background

Auckland Council operates or supports a wide range of community facilities, including community centres, arts and cultural facilities, libraries, sports fields and swimming pools. Most are owned and directly managed by the council, but around 300 are owned and/or operated by community groups, sports organisations and schools. These arrangements come in many shapes and sizes, and are collectively known as ‘facility partnerships’.

The Community Facilities Network Plan (adopted 2015) states the council will meet more facility needs through partnerships in future, but noted there was no consistent policy for selecting and supporting them. In 2016, a project was initiated to develop a new Facility Partnerships Policy.

Facility partnerships could provide a valuable mechanism for the council to partner with Māori, to support tino rangatiratanga and to enable positive outcomes for Māori. Facility partnerships with marae are an obvious starting point.

However our stocktake had identified fewer than five facility partnerships with Māori out of 300+ in our existing portfolio. We wanted to make sure that the new policy properly considers any special context, barriers or opportunities for marae or Māori organisations.

To achieve this, we met with seven marae and three Māori organisations to explore how facility partnerships might fit within Te Ao Māori, and insights from these conversations were refined at four findings hui with a wider group. This report summarises what we learned through this work.

1.1  Project background and context

Community facilities are an important part of realising our vision of Auckland as a world class city. They contribute to building strong, healthy and vibrant communities by providing spaces where Aucklanders can connect, socialise, learn and participate in a wide range of social, cultural, art and recreational activities.

Auckland Council operates or supports a wide range of facilities that benefit the community, including community centres, venues for hire and rural halls, arts and cultural facilities, libraries, recreation centres, sports fields and swimming pools.

Most of these facilities are owned and directly managed by the council, but around 300 are owned and/or operated by community groups, sports organisations and schools. A number of these are sited on council parks or in council-owned buildings, or were built or operate with some financial assistance from Auckland Council (or its predecessors). These arrangements come in many shapes and sizes, and are collectively known as ‘facility partnerships’.
The Community Facilities Network Plan states the council will meet more facility needs through partnerships in future, as a way of ‘doing more with less’ in a growing city, and empowering communities that want to actively contribute to their own development.

However, it noted that the council currently has no consistent policy for selecting and supporting facility partnerships. Following the adoption of the plan in 2015, a project was initiated in 2016 to develop a new regional Facility Partnerships Policy.

### 1.2 Facility partnerships with Māori

Auckland Council recognises Te Tiriti o Waitangi / the Treaty of Waitangi as the founding document of Aotearoa New Zealand, and as establishing an enduring partnership between Māori and the Crown. The council has committed to engage and work with Māori in ways that are consistent with a Treaty-based relationship.

Facility partnerships could provide a valuable mechanism for the council to partner with Māori, to support tino rangatiratanga and to enable positive outcomes for Māori in line with this commitment.

The Treaty Principles provide an overarching context for all our relationships with Māori, and need to guide how the council and Māori work together to establish, shape and manage facility partnership arrangements in future (relevant Treaty Principles are listed at Appendix B).

Facility partnerships and marae

Marae are specifically identified in the Community Facilities Network Plan as potential community facility partners, and are an obvious starting point for exploring facility partnerships with Māori. Marae are already a focal point for Māori social, economic, environmental and cultural development, and ‘enabling Māori aspirations for thriving and self-sustaining marae’ is an Auckland Plan priority.

Valuing marae is also a tangible way of recognising Māori perspectives and preferences in providing for their own health and welfare needs. In supporting marae and other Māori-led facilities, the council demonstrates respect for matauranga Māori (knowledge), kaitiakitanga (guardianship) and manaakitanga (hospitality).

### 1.3 Rationale for this research

The first phase of the Facility Partnerships Policy project included a stocktake of existing facility partnerships. During this process, fewer than five formal facility partnerships with Māori organisations were identified by council staff, out of the 300+ in our current portfolio.

The council does provide grants to marae each year through the Cultural Initiatives Fund, but we found investment provided in this way is not characterised by either the council or marae as a ‘facility partnership’. These grants are ring-fenced for capital improvements to marae buildings,
and are not tagged to the marae playing a formal role as facilities within a regional network, or delivering particular outcomes in return for the investment. Further, the Cultural Initiatives Fund does not provide for an ongoing partnership relationship with the marae alongside the grant.

In developing the new policy approach, we wanted to understand why so few marae or Māori organisations have sought formal facility partnerships with the council in the past, and make sure that the new policy properly considers any special context, barriers or opportunities for those that may be interested in them in future.

1.4 Summary of methodology

During Phase 1 of the Facility Partnerships Policy project we conducted key informant interviews related to a sample of 10 partnerships. During Phase 2, we selected an additional sample of seven marae and three Māori organisations to enable us to specifically explore a Te Ao Māori perspective.

Where possible, we also interviewed the council staff members who ‘hold’ the relationship, or who have the most in-depth understanding of their interactions with the council (past and present), to provide an internal perspective.

The project team analysed the interviews, and collectively identified common themes, issues and challenges, opportunities and benefits. We then held four findings hui to test our draft insights with a broader roopu (group). Additional issues raised at hui are incorporated into our findings.

The key stages of the research are outlined in more detail in Appendix B.

1.5 Out of scope feedback

Our conversations with Māori were wide-ranging, covering not only experiences of ‘partnering’ with the council, but broader issues around the council’s relationships with Māori in Tāmaki Makaurau.

Although some of this feedback was beyond the scope of the Facility Partnerships Policy Project, it has been captured here as a full account of what we heard, and what we committed to our informants to ‘take back’ and share with the wider organisation. Feedback that is related to a partnerships kaupapa but out of scope for the Facility Partnerships Policy specifically is included separately at the end of the Findings section, and noted in the summary (Appendix A).

This broader feedback will be of interest and value for council staff currently holding relationships or with obligations to hold relationships, for the governing body and local boards, and for the Independent Māori Statutory Board.
2 Key findings / Tātaritanga me ō ngā tohutohu

This section summarises the common themes that emerged from 11 one-on-one interviews, which were then further refined and expanded by 39 participants at four findings hui.

It is intended as an account of 'what we heard' from Māori we spoke to, and is not assumed to represent the views of all Māori. Although summarised and themed by staff, it is written from the perspective of our research participants.

Summary of key research findings

The research findings directly related to the Facility Partnerships Policy kaupapa have been grouped under the following key themes:

- Marae are more than just 'facilities'.
- Māori-led facilities (especially marae) are already delivering outcomes in their communities and want more recognition and support from council.
- Partnerships should be founded on Te Tiriti principles, shared values and a long-term vision.
- Successful partnerships rely on enduring relationships.
- The relationship between mana whenua, mataawaka Māori and the council is complex and needs careful navigation.

Additional (out of scope) research findings

- Generally, council relationships with Māori need to improve, starting with better consultation and engagement.
- Māori want to be more involved in developing policy that particularly interests or impacts them.
Findings on the Facility Partnerships kaupapa

2.1 Marae are more than just ‘facilities’

For Māori, marae are at the centre of Te Ao Māori and cannot be labelled simply as ‘facilities’. The pakeha concept of a facility is seen as a very limited one, which doesn’t adequately convey the special role and significance of marae for Māori.

What we heard:

- **Marae are inseparable from the whenua, the tupuna (ancestors), their people and their history.** Marae are homes; they have mana; they are a taonga (treasure).

- **Marae often support a holistic range of functions, services and/or activities.** For example they may provide housing (papakainga) and emergency accommodation, host formal and informal gatherings, offer language and cultural instruction in a whanau-centric learning environment (e.g. kohunga reo, puna reo), act as a centre and showcase for Māori arts, and deliver or host social services.

- **Marae often hold relationships with iwi, other marae, the wider Māori community, their local community, and also local and national organisations, central government and the council.** Because of this, they often have broad oversight of issues and initiatives in their area.

- **Each marae is different.** They serve different communities in different ways, and have different tikanga, history, aspirations, capacity and governance structures.

- **The marae is turangawaewae: a place to stand for Māori.** Marae serve the needs of Māori first and foremost, and if a marae is needed by the iwi and hapu, this must take precedence.

- **Marae have specific tikanga (protocols) that must be followed** by visitors to show respect and uphold the mana of the marae. Marae contain many taonga, especially in their wharenui (meeting house), and some have uru pa (burial grounds) on site.

“Marae are being repeatedly referred to as ‘facilities’ – that is a very broad and pakeha word. Marae is the term [that] should be used.”

“For Māori, your marae is your ‘community centre’... If we have too fixed an idea of what a ‘community facility’ is, what has to happen there, or how it supports itself... we may miss the opportunity.”

“It would be silly to identify all marae as ‘the same’. Ensure this does not happen.”

“Our obligation to the community should not take precedence over our tikanga and traditional practices.”
Marae have a strong tradition of manaakitanga (hospitality) and hosting guests may incur costs that are not covered by hireage fees. Traditionally, visitors offer koha voluntarily to acknowledge these efforts, but many non-Māori don’t understand or account for this. Sometimes manaakitanga appears to be unintentionally exploited by the council.

How the Facility Partnerships Policy can respond:

Any partnership arrangements with marae must fully acknowledge their place within Te Ao Māori. This includes:

- Not defining marae as ‘community facilities’. Marae are unique, even if they fulfil some of the same roles as facilities.

- Committing to uphold the mana, tikanga, andmatatua Māori of marae, including ensuring council staff understand their special role and significance. Pa sites are tapu, and visitors must respect cultural safety requirements.

- Recognising that a marae may be needed by the iwi and hapu, sometimes at short notice (for example to host tangi) and ensuring allowances are made for this.

- Valuing and resourcing the knowledge, time and travel of Māori providing manaakitanga on marae, and helping educate the wider community to do the same.

Some of these considerations may also be relevant when planning the development of facilities to be operated by Māori organisations.

2.2 Value the outcomes that marae and Māori-led facilities are already delivering

There is a perception that the council prefers to develop new facilities from scratch; “reinventing the wheel” rather than investing in supporting and improving what already exists. Marae in particular are already active in the community space, and are playing an emerging role in supporting cultural learning and understanding in an increasingly diverse city. Many marae want the council to recognise the value they provide and build on
their strengths. This includes providing them with support and resources to fulfil their role more effectively.

**What we heard:**

- Many marae have a broader focus already; they are welcoming spaces for the whole community, not only Māori – for example working with local schools, and hosting wananga, programmes and events.

- Marae take pride in their manaakitanga, and in sharing their strong connection to the whenua and mātauranga Māori with newer residents.

- Marae fulfil work in the community that the council and other agencies do not do. Further, some Māori feel more comfortable accessing services through their marae or a kaupapa Māori facility or provider.

- Marae are charitable organisations run by volunteers and it can be difficult to meet the expectations of their own people, the wider community and the council. Further, as Auckland has grown and changed, some iwi and hapū members have had to move out of their rohe (customary territory) and must travel back to look after the marae and manaaki visitors. This makes it more difficult to expand the role of the marae.

- Marae aren’t fully reliant on the council to sustain them. Marae rely on others within their immediate community to support each other – including ‘marae to marae’. However, the council should ensure the protection and sustainability of marae in the same way it recognises, resources and helps to maintain other community infrastructure, like sports clubs and community centres.

**How the Facility Partnerships Policy can respond:**

- Council needs to look for opportunities to increase the use and capacity of existing facilities (in the broadest sense) that are serving the community – not always look to create new ones.

- The council could play a useful role in supporting marae staff and volunteers to build their capacity and capability,
e.g. through access to training, specialist expertise (e.g. HR, building compliance) and back office support. These non-financial forms of support would be highly valued.

- The council could also proactively notify marae of council employment and procurement opportunities in their area. This would honour the relationships, acknowledge existing skills and expertise, help to sustain the marae, and support the local economy.

2.3 Partnerships should be founded on Te Tiriti principles, shared values and a long-term vision

Genuine partnerships provide an opportunity for the council to honour its Treaty obligations, and give effect to commitments made to Māori. To be meaningful, a partnership must be founded in shared values and a long-term vision. Māori must have an active decision-making role if they are to exercise tino rangatiratanga.

What we heard:

- Experiences of ‘partnerships’ and other relationships with the council feel unbalanced, as “Council has all the control.” For Māori, the word ‘partnership’ implies shared power, and reciprocal relationships based on Te Tiriti. Shared power is about acknowledging the mana motuhake of Māori.

- Under Te Tiriti o Waitangi, mana whenua should not be considered one of many ‘stakeholders’. The relationship with, and responsibility for place that mana whenua have as kaitiaki in Tāmaki Mākaurau is unique.

- Māori are their own experts who conceive of the world through a holistic lens. Social, cultural, environmental and economic dimensions are interconnected. This way of thinking cuts across council’s organisational boundaries, and extends before and beyond the council’s timelines – it is holistic and intergenerational.
• Shared values and aligned outcomes should always be the **starting point** for any partnership: alignment comes first, relationships second, working out the details third.

• **To realise meaningful outcomes through a partnership, there needs to be a long-term vision and commitment.** However, change on both sides is inevitable over longer timeframes, and neither side should be locked in forever.

**How the Facility Partnerships Policy can respond:**

- **Partners need to be conceived of as equal and active participants,** negotiating the way forward together. This aligns with the Treaty partnership and Treaty Principles.

- **Facility partnership arrangements need to strongly align with the kaupapa and aspirations of the particular iwi and marae involved.** In most cases iwi governance / post-settlement governance entities should be involved before detailed discussions with marae.

- **Identifying shared values and outcomes should be the starting point** for any partnership discussion, facility-based or otherwise.

- **Opportunities to renegotiate a partnership** should be planned in to allow for change over time

- **Skill and talent sharing between marae, and between marae and the council,** would help to improve relationships and capability. This would enable both sides to move towards genuine partnerships.

2.4 **Successful partnerships rely on enduring relationships**

Māori think inter-generationally and value enduring relationships. Most marae want to establish / maintain long-term relationships with the council that go beyond any particular issue, project or activity. These relationships would provide the right basis for a facility partnership discussion. Too often relationships with the council are perceived as short-term, project-based and transactional.

“**The most important thing is to have an aligned vision, aligned outcomes we want to achieve, aligned aspirations, a shared kaupapa.”**

“We want to retain the right to be selective and take bookings that align with our values and kaupapa... it’s not just somewhere to run a birthday party.”

“No-one should be able to sign things away for long periods of time – we risk making others who come after us clean up our mess if we’ve got it wrong.”

“A marae is not a venue for hire. It comes with a relationship that should be nurtured.”
What we heard:

- Some longstanding relationships between Māori / marae and the council have been lost since amalgamation. Not all have been re-established, but there is a desire on both sides to do so.

- There is an uneven distribution of relationships across the council and across iwi. For example, some iwi have relationships with senior leaders at the council, while others do not.

- Many marae – mana whenua and mataawaka – would like to establish closer relationships with their local board(s). Effort needs to be made to maintain these relationships through and between election cycles.

- Relationships can be lost due to turnover of key people on either side, or where the relationship has been formed around a specific project that comes to an end. These relationships aren’t always handed over well.

- Without a relationship agreement (or MOU, or other formal document) it can be more difficult to maintain the relationship when key people change.

How the Facility Partnerships Policy can respond:

- The council needs to take a long-term perspective, and build enduring relationships with marae and Māori organisations. This would provide the best basis for a facility partnership.

- Initial discussions need to occur at the right level (e.g. rangatira to rangatira / chief to chief).

- The complexity of the council’s structure and its size makes the organisation difficult to navigate. It would be helpful to have one central point of contact between each marae/iwi and the council.

- Written agreements / MOUs may help support [partnership] relationships between council and marae / Māori organisations, to provide a reference point and ensure the commitments made remain clear and will endure. This

“Mutual respect is critical to partnership, and building a deep and lasting relationship. People carry the information and knowledge between them... We don’t want tick-box, transactional relationships.”

“Council should be brokering introductions between local board leaders and marae, particularly mataawaka marae.”

“Local boards need to stick to scheduled meets with the community [and] make an effort to visit mataawaka marae.”

“Formal documents are paramount [to sustaining relationships; given there is likely to be change on both sides... enabling] succession is key.”
would reduce the impact of staff turnover and organisational change on both sides.

2.5 Navigating relationships with mana whenua and mataawaka

The relationship between mana whenua and mataawaka Māori in Tāmaki Makaurau can be complicated. The Treaty creates different obligations to mana whenua and mataawaka. This space needs careful navigation, and is often not well understood by pākeha. Māori spoke of the need for the council to carefully consider how to adopt their approach to recognise and respect the differences, while fostering collaboration between the two.

What we heard:

- **Mana whenua and mataawaka engagement needs to be well thought through.** The council’s approach can sometimes conflate these two groups together when they should be treated separately. At other times, differentiating the two may lead to unnecessary divisions.

- **The complex relationship dynamics between mana whenua and mataawaka can complicate engagement with Māori around something like facility partnerships, which are both place-based and outcome-focused.**

- **Mana whenua and mataawaka need to be given sufficient opportunity to discuss the right approach themselves, prior to engagement and decision-making.**

How the Facility Partnerships Policy can respond:

- **Where appropriate, the council could resource marae, mataawaka and mana whenua to create / design their own process for working together.** This approach was used successfully by Te Ora o Manukau in 2012.

- **The council could look for other ways to broker opportunities for collaboration [e.g. around engagement, facilities, services] between mana whenua and mataawaka, where this is desired by Māori.**
Out of scope findings

2.6 Improving relationships between the council and Māori, starting with better consultation and engagement

Generally speaking, council consultation and engagement with Māori is perceived as too fragmented, transactional and ‘one-way’, and can end up feeling like a ‘tick box’ exercise. Before the council can enter into effective partnerships with Māori, a council-wide effort is needed to build stronger relationships beyond the scope of ‘consultation’.

Through recognising Te Ao Māori, developing robust and respectful consultation procedures and empowering Māori to take a more active role in decision making, Auckland Council has the opportunity to lead the way in this space.

What we heard:

- Consultation processes appear disconnected and do not always involve the right people. Sometimes the council say they have consulted with Māori, but they have only engaged with some mana whenua groups (and not others, or mataawaka). Some groups seem to have more privileged access to the council than others.

- The council needs to get better at closing the loop after consultation: sharing how people’s feedback was used and how the council has responded to it. This ensures Māori are kept involved and their time and effort is respected.

- When marae (and Māori generally) are asked to consult again on topics they’ve previously been consulted on, this worsens the perception that their relationships with council are disconnected and transactional. This also creates frustration that previous feedback has not been properly recorded or actioned.

- Recording all interactions with marae would allow other areas of council to consult this information prior to planning engagement with Māori. This would allow other...
teams to have the required context and understanding of any previous issues, and enable them to be better prepared.

- **Marae are well placed to disseminate information about council consultation and engagement opportunities, and coordinate participation by their iwi and hapu.** Council could better capitalise on these networks in planning and delivering engagement.

### 2.7 Working with Māori to develop future policy

*Some marae would welcome the chance to be more actively involved in strategic conversation and policy development related to issues that particularly interest or impact Māori.*

**What we heard:**

- **Many marae have skilled people with the right capabilities to participate in strategy and policy discussions.** Marae tend to be very well networked and can more easily discuss issues and agree collective positions with their own people than the council can.

- **Collaborative policy-making** could provide an opportunity for the council to work with Māori directly about issues that affect them. There may be a cost associated with this, in terms of supporting Māori capacity to engage.

> “Local people are in the best position to know what is missing and what is needed and how to build off what’s already there, so meaningful open-minded engagement is important. These may not be quick conversations.”

> “Marae development cannot and should not be dictated by council, but rather supported and led by marae.”
3 Next steps / Ngā koringa ā-muri

The insights from this work have been able to feed into the main policy development process, which has continued to run alongside the research.

The Facility Partnerships Policy responds to the findings in the following ways:

A dedicated ‘Facility partnerships and Te Ao Māori’ section:
- Outlines the relationship between this policy and the Treaty of Waitangi
- Acknowledges the special significance and role of marae for Māori
- Signals how facility partnerships with Māori, and especially marae, may need to differ from other partnerships.

Quality relationships are fundamental to the new approach, and one of the ‘six dimensions of partnership’ that shape the policy. For example:
- The policy’s emphasis on enduring, two-way relationships founded on shared goals and values.
- The need to allocate sufficient resources to support relationships and a commitment to factor this into future facility partnership decisions.

Other key ways that the policy approach addresses the findings:
- Partnerships with Māori-led organisations are an investment priority.
- A commitment to invest in existing spaces in preference to building new facilities.
- A commitment to capacity building for less experienced or lower capacity partners, for example volunteer-led organisations.
- Acknowledging that non-financial support – for example access to council expertise – is highly valuable to partners, and an important way that the council can invest.

Further detail is included as Appendix A.

This report will be provided to the Environment and Community Committee alongside the draft Facility Partnerships Policy. The findings report will also be shared with our research participants. The out-of-scope findings will be shared with the relevant parts of the council organisation. Work is already underway to address some of these findings, for example:
- Development of a new Māori engagement portal
- Further clarification of the funding process and criteria for Marae Development grants
- Additional relationship-building activities with mataawaka marae.
## Appendix A: Summary of findings and responses

<table>
<thead>
<tr>
<th>FINDINGS What we heard from Māori</th>
<th>POLICY RESPONSE: How the policy addresses this</th>
<th>Potential responses that are beyond the policy scope</th>
</tr>
</thead>
</table>
| **Marae are more than just ‘facilities’.**  
Marae are taonga and inseparable from their whenua, tupuna, people and history.  
Marae play a more holistic role for Māori than community facilities do for pākeha.  
Marae are diverse, not a homogenous group.  
A marae’s primary responsibility is to Māori.  
Tikanga needs to be observed on marae.  
It is traditional for marae to manaaki visitors and although this has a cost, it tends not to be reflected in venue hire fees. | The policy speaks directly to this finding, in order to:  
- Demonstrate our understanding of the special significance and role of marae for Māori  
- Increase staff and elected member understanding of this special significance and role  
- Outline how facility partnerships with marae may need to differ from other partnerships  
- Encourage marae and Māori-led organisations to seek facility partnerships with the council. | The council could provide / improve access to guidance for staff relating to:  
- the special significance and role of marae for Māori  
- the tikanga that may apply on marae  
- where staff can access support or advice when dealing with specific marae.  
The council could provide more opportunities for staff to attend marae:  
- in the course of their work (to increase Māori responsiveness and to build relationships with marae)  
- to build individual cultural competency.  
Council could proactively work with marae to provide opportunities for staff that are culturally safe for both sides. |
| **Marae and Māori-led facilities are already delivering outcomes in their communities.**  
Many marae have a broader focus already and welcome the whole community.  
Marae do work in the community that the council and other agencies does not do.  
Most marae are run by volunteers with limited capacity.  
Marae’s existing role should be supported, like other community infrastructure. | The policy states we will invest in spaces that people already use and value, in preference to building new facilities.  
Partnerships with Māori-led organisations are an investment priority. The policy encourages facility partnerships with marae in recognition of their existing and potential role.  
The policy acknowledges that non-financial support – e.g. access to council expertise – is highly valuable to partners and an important way that the council can invest in facility partnerships. | The council could better recognise the wider role played by marae and support them in this, e.g. work by the Civil Defence and Emergency Management team to explore the role of marae in building community resilience.  
The council could also support marae in practical ways, e.g. access to training, or notification of local procurement opportunities. |
**FINDINGS What we heard from Māori**

| Partnerships should be founded on Te Tiriti, shared values and long-term vision. |
| ‘Partnership’ implies shared power, with partners as equal and active participants. |
| The kaitiaki role of mana whenua is unique in Tāmaki Makaurau. |
| Te Ao Māori is holistic and intergenerational, which doesn’t align well with council’s organisational boundaries and timelines. |
| Shared values and aligned outcomes should be the starting point for partnership. |
| Long term commitment and vision is needed, but with flexibility to adapt. |

**Policy Response: How the policy addresses this**

The policy states that Auckland Council is committed to engaging and working with Māori in ways that are consistent with a Treaty-based relationship. A focus on long-term outcomes is also fundamental to the new approach. In future, all facility partnerships will be founded on shared goals and values. This will be the focus for early discussions.

**Potential responses that are beyond the policy scope**

The Auckland Plan and Māori Responsiveness Plans set out principles and expectations relating to the council’s relationship with Māori under Te Tiriti. This includes supporting delivery of services by Māori for Māori, based on Te Ao Māori values and practices.

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**Relationships are the foundation for partnership.**

Marae see deeper, enduring relationships as the basis for facility partnerships.

Some marae feel relationships have been lost post-amalgamation.

There is an uneven distribution of relationships across the council and across iwi. Māori want more engagement ‘rangatira to rangatira’, and with local boards.

Council has high staff turnover, and its large size makes it difficult to navigate.

Written agreements may help support relationships by providing a reference point.

**Generally, relationships with Māori need to improve, starting with better consultation and engagement.**

Relationships are fundamental to the new policy approach, and one of the ‘six dimensions of partnership’ that shape the policy.

Resources to support enduring relationships will be factored into future facility partnership decisions, e.g. dedicated relationship holders.

Written agreements will be prepared for all future facility partnerships.

**The council could improve ‘BAU’ relationships with marae and Māori-led organisations by:**

- Nominating staff to hold and manage relationships
- Establishing stronger relationships between marae and elected members, especially local boards
- Supporting closer collaboration between marae

Council could improve consultation and engagement with Māori / marae by:

- Improving coordination of Māori engagement
- Exploring how marae could support Māori engagement
- Ensuring we ‘close the loop’ with Māori following consultation and engagement.
<table>
<thead>
<tr>
<th>FINDINGS: What we heard from Māori</th>
<th>POLICY RESPONSE: How the policy addresses this</th>
<th>Potential responses that are beyond the policy scope</th>
</tr>
</thead>
<tbody>
<tr>
<td>The relationship between mana whenua and mataawaka and council is complex and needs careful navigation. The two groups shouldn't be conflated, or unnecessarily divided. Mana whenua and mataawaka want the opportunity to agree their own approach.</td>
<td>The policy outlines the distinction between mana whenua and mataawaka. Mana whenua, mataawaka and tūrahere marae / organisations are invited to consider facility partnerships.</td>
<td>The council could provide / improve access to guidance for staff relating to the differences between mana whenua and mataawaka and the implications of this. Prior to engagement and decision-making, the council should provide sufficient opportunity for mana whenua and mataawaka to discuss the right approach and convey this to council.</td>
</tr>
<tr>
<td>Māori want to take a more active role in policy-making around issues of particular significance to them. Many marae are eager and capable to participate in strategy / policy discussions. There may be a cost associated with supporting Māori capacity to engage.</td>
<td>The proposed decision-making process provides flexibility to umbrella facility partnerships with a broad range of Māori organisations. If needed, an alternative process taking specific account of the needs and interests of marae could be developed during implementation, in partnership with Māori.</td>
<td>The council could explore future opportunities for a collaborative policy-making with Māori. Māiae are interested in supporting iwi and hapu to engage in strategic conversations.</td>
</tr>
</tbody>
</table>
Appendix B: Treaty Principles

Treaty principles have been recognised and expressed by the Waitangi Tribunal and a range of Courts – the Privy Council, Supreme Court and High Court. The principles bridge the two texts of the Treaty, focusing on the intent of the Treaty and the future.

The Treaty Principles will help guide how the council and Māori work together to establish, shape and manage facility partnership arrangements.

Relevant principles for facility partnerships include:

- **Rangatiratanga** – the duty to recognise Māori rights of independence, autonomy and self-determination, including the capacity of hapū, mana whenua and mataawaka to exercise authority over their own affairs. This principle enables the empowerment of Māori to determine and manage matters of significance to them.

- **Partnership** – the duty to interact in good faith and in the nature of a partnership. There is a sense of shared enterprise and mutual benefit where each partner must take account of the needs and interests of the other.

- **Active protection** – the duty to proactively protect the rights and interests of Māori, including the need to proactively build the capacity and capability of Māori.

- **Ōritetanga / mutual benefit** – to recognise that benefits should accrue to both Māori and non-Māori, both would participate in the prosperity of Aotearoa giving rise to mutual obligations and benefits. Each needs to retain and obtain sufficient resources to prosper, and each requires the help of its Treaty partner to do so. This includes the notion of equality (for example, in education, health and other socio-economic considerations).

- **Options** – recognising the authority of Māori to choose their own direction, to continue their own tikanga (customary practice) as it was or to combine elements of both and walk in both worlds. This principle includes recognition of Māori self-regulation.

- **The right of development** – the Treaty right is not confined to customary use or the state of knowledge as at 1840, but includes an active duty to assist Māori in the development of their properties and taonga (treasured items).
Appendix C: Research methodology

1. Research and advisory group formed

The research was designed, overseen and delivered by a cross-council project team with representatives from the following departments:

- Community and Social Policy
- The Southern Initiative
- Operations Māori Responsiveness Hub (Nga Waka Angamua)
- Maori Strategy and Relations (Te Waka Angamua)

2. Collated information about marae and Māori organisations, to inform sample

The team collated and reviewed information about marae in Tamaki Makaurau.

Additionally, we identified a small number of Māori organisations that have a facility-based component to their work and some form of relationship with council, comparable to the facility partnerships we researched during our first research phase.

3. Criteria developed and sample selected

A comprehensive set of criteria were developed and applied to help us select as ‘representative’ a sample as possible, acknowledging all marae and organisations would have a different experience and aspirations. We selected a sample of eight marae and four Māori organisations to provide a range of unique perspectives (refer Appendix D).

4. Representatives from selected marae / organisations and council counterparts identified

The team approached the marae / organisations to explain the research and request an interview. Seven marae and three organisations agreed to participate.

5. 11 key informant interviews held to discuss:

- The current role of the marae / organisation in the community
- Their aspirations for the future development of their marae / organisation
- Their past and present relationships with the council (or its predecessors)
- Perceptions of the strengths / advantages and challenges / disadvantages of working with the council
- Conceptions of ‘partnership’
- What marae / organisations would need or expect from council, if they were to enter into a ‘facility partnership’ with us.

(Refer Appendix C for a full list of questions.)

6. Interviews analysed, common themes identified and summarised
The team analysed the interviews, and collectively identified common themes, issues and challenges, opportunities and benefits. These were summarised in draft findings.

7. Draft findings taken to hui for validation

The team held findings hui at four of the participating marae to test the insights we had identified from the interviews with a broader roopu. We contracted specialist Kaupapa Māori designers from the Nga Aho collective to help design and facilitate the hui.

The hui were shaped partly in response to what we had learned through the informant interviews. For example, we:

- Participated in formal powhiri / mihi whakatau, and observed proper tikonga on the marae (including having kaikorero and kaikaranga to represent us)
- Laid down koha for our hosts in addition to venue hire fees, and offered native seedlings and kai to manaaki (show hospitality to) all attendees
- Invited staff from other council teams with a facility-related kaupapa that might have information or resources of interest to attendees (e.g. resource consents, civil defence and community grants). The intention was that they could learn from discussions, establish kanohi-te-kanohi (face-to-face) relationships and provide advice to attendees as a further form of koha for attendees’ time. A total of 20 council staff attended marae (in addition to policy staff, project team and facilitators).

Each hui was guided by our hosts and followed a different format.

A total of 39 people attended hui on behalf of marae, Māori organisations and agencies.

Although our findings were validated by the feedback we received from participants, additional issues were also raised and are captured in this report.

8. Insights from discussions and hui used to shape the Facility Partnerships Policy

9. Findings shared through this report

10. Draft Facility Partnerships Policy shared at consultation hui

Hui will be convened as part of our consultation and engagement phase, to close the loop on the research and seek feedback on the draft. Participants in this research and those who attended our insights hui will be encouraged to attend.
Appendix D: Research sample and selection criteria

There are a diverse mix of mana whenua, mataawaka and taurahere marae\(^1\) in Tamaki Makaurau, which range from small rural marae to large urban marae. Some are primarily gathering places for their iwi or hapu, or are situated within school, church and institutional settings. Others play a broader community role, for example hosting organisations, services and activities onsite.

Although every marae is unique, we worked with a cross-council team to identify a research sample that would include marae with as wide a range of characteristics as possible.

The variables we considered in selecting the sample were:
- Location – across the Auckland region, and mix of urban and rural
- Iwi affiliation – mana whenua, mataawaka and taurahere
- Use of the marae – whether the marae primarily serves the needs of iwi and hapu, or plays a wider role in the community
- Land ownership – Māori, council or privately owned
- Size of the marae (property and number of buildings / onsite facilities)
- Financial support from council (current and past)
- Age – from ancestral marae to newly established / emerging marae

Marae in our research sample

- **Hoani Waititi Marae***, Pan-tribal / Ngati Whatua Kawerau a Maki, Glen Eden
- **Mataatua Marae***, Ngati Awa ki Tamaki Makaurau te Hapu, Mangere
- **Puatahi Marae**, Ngati Whatua, Kaipara Coast
- **Paca Whanseke Marae (in development)**, Ngāti Paoa, Point England
- **Ruapotaka Marae***, Pan-tribal / Ngapuhi E Wha, Glen Innes
- **Tahuna Pa**, Waichua Tainui, Awhitu

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\(^1\) Mana whenua: Māori with territorial rights in Tamaki Makaurau, who belong to and derive power from the whenua (land), and who have authority and jurisdiction over the whenua or rohe (territory).

Mataawaka: Māori who are not mana whenua in Tamaki Makaurau and have not retained their identity and links back to their tribal homelands. Mataawaka or ‘urban’ marae are pan-tribal, and welcome Māori of all affiliations, or none.

Taurahere: Māori in urban areas who retain their identity and links back to their tribal homelands. Some taurahere groups have whakapapa or historical links to particular sites in Tamaki Makaurau, and have received the blessing of mana whenua to develop a marae for their Auckland-based members.
• **Umupuia Marae**, Ngāi Tai ki Tāmaki, Maraetai

*Hosted findings hui*

**Māori organisations in our research sample**

• **Te Roopu Waiora**, Manukau

  *Te Roopu Waiora Trust is a unique kaupapa Māori organisation founded in 2001 and governed by whanau with physical, sensory and intellectual disabilities.*

• **Te Whare Wananga O Wairoa**, Howick

  *Te Whare Wananga O Wairoa is a whare built in the Emilia Maud Nixon Garden of Memories which hosts Māori education programmes.*

• **Tāmaki Herenga Waka Trust**, Auckland-wide

  *The Tāmaki Herenga Waka Trust is a charitable trust established to support the revitalisation of a visible and vibrant ‘culture’ of waka for the benefit of all Aucklanders.*

*Hosted findings hui*

**Additional marae and organisations that attended hui**

• Manurewa Marae
• Papakura Marae
• Te Atatu Marae
• Te Herenga Waka o Crewa Marae
• Papatuānuku Kokiri Marae
• Te Aroha Pā marae
• Ngāi Tai ki Tamaki
• Ngā Kaitiaki Trust
• Healthy Families
• Te Puni Kōkiri
• Whanau Community Native Tree Nursery
Appendix E: Informant interview discussion guide

Questions that guided our discussions with marae and Māori organisation representatives:

1. **Role**
   - Role in relation to this marae / organisation
   - Role in the community that marae / organisation currently plays
   - Current experience / relationships with Auckland Council [or other large organisations if no relationship with council]

2. **Collaborative relationships / partnerships**
   - Describe what ‘partnership’ means to you?
   - What makes a good relationship?
   - Support [your marae/org] would want to receive from council if entering a ‘facility partnership’?

3. **Positives**
   - What do you see as the strengths or opportunities of working with Auckland Council?
   - How can we build on / maximise these strengths?
   - What would make [your marae/org] more likely to enter into a ‘facility partnership’?
   - What strengths do you think marae offer as community facilities?

4. **Challenges**
   - What do you see as the challenges of working with Council? How might these be mitigated?
   - What would make [your marae/org] less likely to enter into a relationship like this?
   - What would be non-negotiable for you in entering into a ‘facility partnership’?
   - What concerns would you have in entering this kind of relationship?
   - Are there any specific things about marae that we need to consider if entering into this kind of arrangement? (i.e. Tangi getting priority, maintaining the tikanga and mana of the marae etc.).

5. **How could Auckland Council play a role in supporting you in these aspirations?**
   - What are the specific aspirations for [your marae/org]?
   - What would an ideal ‘facility partnership’ look like to you?
Facility Partnerships Policy

Public feedback summary
This paper provides a summary of public feedback on the draft Facility Partnerships Policy, and an overview of the activities undertaken during the consultation period.

Key messages

- During July and August 2018 the public had the opportunity to provide feedback on the draft Facility Partnerships Policy.
- Seventy-one responses were received online, by email and at a series of public drop-in sessions run at community venues across Auckland.
- Public feedback was highly supportive of the draft policy overall. Those providing feedback generally saw the value of having a policy for this activity, and were positive about its intent. Responses to questions about specific aspects of the policy were also strongly affirmative.
- Concerns mainly focused on how the policy will be applied and how the new approach will work in practice, rather than the content of the policy itself.

Background

2. During July and August 2018, Community and Social Policy staff undertook a series of engagement activities on the draft policy. The intention was to gauge support for the proposed approach, and enable the draft to be refined before final adoption.
3. Staff engaged with local boards, advisory panels, members of the public and existing and prospective facility partners to outline the proposed approach and invite feedback on the draft.
4. A total of 71 public submissions were received on the draft policy during the consultation period. Anonymised comments from survey respondents have been included in the document.

Consultation questions

5. Public feedback was welcomed on any aspect of the policy, but respondents were invited to answer eight specific questions that tested key aspects of the policy:
   a) Do you think the draft policy clearly outlines the purpose and benefits of facility partnership?
   b) Do you think the Treaty Principles is an appropriate way to guide facility partnerships with Māori?
   c) Do you think the combination of Type, Type and Scale is a useful way to differentiate partnerships and ensure our processes and requirements are appropriate?
   d) Do you think these are the right principles to guide our investment in facility partnerships?
   e) Do you agree with the council’s position on commercial activities as part of facility partnerships, as outlined on pp. 31-32? Are there any commercial activities that you think should not be allowed?
f) Do you think the **Lead Relationship Broker** is the best approach to ensuring the council can support quality partnership relationships?

g) Do you think the ‘Agreement’ and ‘Facility sections’ provide a helpful overview of the technical aspects of facility partnerships? What else should be in these sections?

h) Did you find the policy document easy to read and navigate? Do you have any comments on how to improve it?

**Key findings**

6. Public feedback was highly supportive of the draft Facility Partnerships Policy overall. The responses to all of the specific questions asked were strongly affirmative, and the majority of respondents were positive about the intent and proposed approach of the draft policy.

7. Those providing feedback generally saw the value of having a policy for this activity. Some expressed frustrations with the process of initiating or maintaining a facility partnership in the past. They hoped that the new policy would lead to better investment decisions, and ensure that partnerships work for both partners and council. People also hoped the new approach would make it easier for partners to navigate council, get good support from council staff, and cut down on bureaucracy.

8. Respondents were positive about many specific aspects of the policy, particularly the investment principles, the proposal to enable appropriate commercial activities in facilities, and the establishment of Lead Relationship Brokers. The Track, Type and Scale model was welcomed for its ability to encompass a wide range of facility partnerships, and the intention to ensure processes and expectations are proportionate to the circumstances.

9. Where some respondents expressed criticism or concerns about the policy, it was more often about how it would be applied in practice than about the policy content itself. Some people were uncertain that the policy would be implemented as intended across the council, in a supportive and empowering way. Others questioned if the policy adequately allowed for the messy reality of facility partnerships.

10. Using the Treaty principles to guide partnerships with Māori was welcomed by most, but this was acknowledged as a complex area. Other concerns identified included how the investment principles will be applied and ‘traded off’, and whether some communities will be advantaged by the new approach.

11. Respondents appreciated the effort to make the policy document visually appealing and more accessible. While a number noted the complexity of the document, respondents generally found it easy to navigate and understandable.
Analysis of feedback by question

Do you think the draft policy clearly outlines the purpose and benefits of facility partnerships?

<table>
<thead>
<tr>
<th>Yes</th>
<th>Partially</th>
<th>No</th>
<th>Don't know</th>
<th>No response</th>
</tr>
</thead>
<tbody>
<tr>
<td>46</td>
<td>15</td>
<td>3</td>
<td>5</td>
<td>2</td>
</tr>
</tbody>
</table>

12. Public feedback on this question was strongly positive. Of the 71 respondents 46 thought the policy clearly outlined the purpose and benefits of facility partnerships.

13. Respondents were positive about the clarity of the policy document and felt that it provided clear direction.

14. Three respondents did not agree that the policy clearly outlined purpose and benefits, and 15 thought it did so partially, while five were unsure. Comments included that facility partnerships need to work for both council and partners, but the policy tends to focus mostly on the council’s role.

15. Others recommended that evaluation of success should go both ways, with partners able to evaluate the council’s performance and hold staff accountable, as well as the other way around.

Do you think the Treaty Principles is an appropriate way to guide facility partnerships with Māori?

<table>
<thead>
<tr>
<th>Yes</th>
<th>Partially</th>
<th>No</th>
<th>Don’t know</th>
<th>No response</th>
</tr>
</thead>
<tbody>
<tr>
<td>38</td>
<td>11</td>
<td>12</td>
<td>5</td>
<td>1</td>
</tr>
</tbody>
</table>

16. A majority of the respondents (38) agreed that using the principles of the Treaty of Waitangi was an appropriate way to guide facility partnerships with Māori.

17. Some noted that the Treaty is central to New Zealand and that the principles had the capacity to empower everyone, not just Māori. One noted that the use of these principles ought to extend wider than facility partnerships, and across all council’s relationships with Māori.

18. Twelve respondents disagreed that the principles were an appropriate guide, while 11 had mixed feelings. A number of these respondents objected to what they saw as they prioritisation of one ethnic group over others, and felt all communities in Auckland should be treated the same.
19. One noted that partnerships with Māori will not always be marae or iwi-based. Another pointed out that a Treaty-based partnership would not begin or end with a facility, and that council will need to be responsive to non-facility issues to uphold the relationship.

Do you think the combination of Track, Type and Scale is a useful way to differentiate partnerships and ensure our processes and requirements are appropriate?

<table>
<thead>
<tr>
<th>Yes</th>
<th>Partially</th>
<th>No</th>
<th>Don’t know</th>
<th>No response</th>
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<tbody>
<tr>
<td>43</td>
<td>13</td>
<td>5</td>
<td>8</td>
<td>2</td>
</tr>
</tbody>
</table>

20. A significant majority of respondents (43) agreed that the Track, Type and Scale model was a useful way to differentiate partnerships and ensure that our processes and requirements are appropriate.

21. Among the reasons given for their agreement, respondents cited the model’s ability to cover a range of partnerships, the potential flexibility to move between categories over time, and the importance of having processes and expectations that are proportionate to the circumstances.

22. Five respondents disagreed that the dimensions were useful, while 13 considered them partially useful. A typical concern was that partnership arrangements are inherently complex and changeable, and this model may not be practical to implement.

Do you think these are the right principles to guide our investment in facility partnerships?

<table>
<thead>
<tr>
<th>Yes</th>
<th>Partially</th>
<th>No</th>
<th>Don’t know</th>
<th>No response</th>
</tr>
</thead>
<tbody>
<tr>
<td>48</td>
<td>13</td>
<td>7</td>
<td>1</td>
<td>2</td>
</tr>
</tbody>
</table>

23. A significant majority of respondents (48) considered that the principles set out in the draft policy were the right ones to guide our investment. The sustainability and equity principles were particularly popular among respondents.

24. Seven respondents disagreed about the appropriateness of the principles, almost all because they considered that the principles would favour particular groups, e.g. areas with higher populations, more established sports or more affluent communities.

25. Thirteen respondents had mixed views on the principles. These included concerns about whether or how the principles would be traded off against each other, whether all parts of the council (including CCDs) would be equally committed to the principles, and how equity would be defined in practice.
Do you agree with the council's position on commercial activities as part of facility partnerships, as outlined on pp. 31-32? Are there any commercial activities that you think should not be allowed?

<table>
<thead>
<tr>
<th>Yes</th>
<th>Partially</th>
<th>No</th>
<th>Don't know</th>
<th>No response</th>
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<tbody>
<tr>
<td>41</td>
<td>17</td>
<td>6</td>
<td>4</td>
<td>3</td>
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26. Forty-one respondents agreed with the council’s position that some appropriate commercial activity is reasonable in facilities.

27. Some noted that commercial activity could be complementary to the purpose of the facility, and in some cases those revenue streams would be necessary for a facility to be sustainable over time.

28. A number of respondents were not supportive of commercial activities that are potentially harmful to healthy living. Alcohol sales, gambling activities, loan sharks and sex work were specifically mentioned as activities that should not be supported in our facilities.

29. Some respondents pointed out that commercial operators would need to be willing to align their activities with the principles set out in the policy.

30. Six respondents disagreed with commercial activities in facilities. Some felt businesses had no place in community settings, and felt facilities ought to stick to ‘core services’. Others saw the proposal as council shifting responsibility for funding facilities to their partners and the community, or privatising community assets.

31. Seventeen respondents were in partial agreement, reinforcing the need for controls around the types of commercial activities to ensure that they would enhance and sustain the community purpose of the facility, and noting the importance of council doing proper due diligence in these cases. Some respondents felt community facilities shouldn’t be competing with the private sector.

32. A number of respondents pointed out the complexity of the planning rules affecting some sites, which may work against commercial activities in these facilities.

Do you think a Lead Relationship Broker is the best approach to ensuring the council can support quality partnership relationships?

<table>
<thead>
<tr>
<th>Yes</th>
<th>Partially</th>
<th>No</th>
<th>Don't know</th>
<th>No response</th>
</tr>
</thead>
<tbody>
<tr>
<td>41</td>
<td>16</td>
<td>9</td>
<td>2</td>
<td>3</td>
</tr>
</tbody>
</table>

33. The idea of appointing a lead relationship broker for each partnership was popular, with 41 respondents expressing agreement.
34. Many respondents agreed that establishing a broker position would make the council much easier for partners to navigate, given its size and complexity. Many saw the role as critical to the success of ongoing partnership relationships, helping to ensure consistency of advice across departments, and streamlining communications and paperwork.

35. Nine respondents didn’t feel that the role would be useful. The most commonly expressed concern was that creating these roles meant more council staff would need to be hired, which was a waste of money, and/or that it would create additional layers of bureaucracy.

36. Sixteen respondents saw the potential of the role, but had some reservations. The most common reservation was uncertainty that the role would work in practice, and in particular if it would be properly resourced. Some respondents expressed a lack of trust in the council and questioned whether it could deliver on the intent of the role, and work in a way that genuinely supports community.

37. A number of respondents emphasised that the broker would need to have particular skills to be useful to partners, and ideally be supported by a wider team to ensure a partnership wasn’t reliant on the support and abilities of a single person. This would also help to manage transitions if council staff leave, maintaining relationship continuity.

_Do you think the ‘Agreement’ and ‘Facility’ sections provide a helpful overview of the technical aspects of facility partnerships? What else should be in these sections?_

<table>
<thead>
<tr>
<th>Yes</th>
<th>Partially</th>
<th>No</th>
<th>Don’t know</th>
<th>No response</th>
</tr>
</thead>
<tbody>
<tr>
<td>39</td>
<td>15</td>
<td>6</td>
<td>9</td>
<td>2</td>
</tr>
</tbody>
</table>

38. These sections of the policy were intended to provide an overview of some of the considerations relating to the partnership agreement or the facility itself that will have to be considered as part of a partnership.

39. Thirty-nine of the respondents agreed that it succeeded in doing this, while six disagreed.

40. Fifteen respondents partially agreed but had some reservations. Comments included that although these sections were an improvement they still failed to reflect the messy reality that they were too complicated, and that council decisions always took too long.

41. One respondent felt the policy ought to further clarify the difference between owning and operating a facility, and give further attention to professionalising facility management.
Do you find the policy easy to navigate? Do you have any comments on how to improve it?

<table>
<thead>
<tr>
<th>Very easy</th>
<th>Quite easy</th>
<th>Neither easy nor difficult</th>
<th>Quite difficult</th>
<th>Very difficult</th>
<th>Don’t know</th>
</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td>23</td>
<td>19</td>
<td>9</td>
<td>2</td>
<td>3</td>
</tr>
</tbody>
</table>

42. A majority of respondents (35) who expressed an opinion on the ease of the policy found it either easy or very easy to navigate.

43. For a significant number of respondents (19) the policy was neither easy nor difficult to navigate.

44. Those who found the policy difficult noted its complexity, and suggested there were areas where language could be simplified. While some specifically commended the font size and style, others found the size of the font too small.

45. There was a suggestion that more examples of current partnerships could make the policy easier to navigate and understand.

“We appreciate the efforts to make the document visually appealing, less intense and more accessible. The frequent use of images and tables rather than plain text aids understanding.”
Outline of public consultation activities

46. Information about the policy and the public consultation activities were distributed through the council's email databases of existing and prospective facility partners, community group networks and other interested parties, with encouragement to disseminate more widely.

47. The regional sports body Aktive Auckland distributed the consultation information to sports organisations and clubs on our behalf.

48. Staff attended meetings with the Ethnic People's, Rainbow Communities and Pacific Peoples advisory panels at their request, to provide a briefing on the policy and answer questions. Panels were also provided with the consultation information to circulate to their networks.

49. A story about the policy and the public consultation was published in Our Auckland in July.

Online submissions invited via ‘Have Your Say’

50. Online submissions were invited on the draft policy on Auckland Council’s Have Your Say website between 29 June and 17 August 2018.

51. We also received a small number of submissions via email.

Public drop-in sessions for face-to-face enquiries

52. The team offered six public drop-in sessions during July and August in community venues across south, central west, and north Auckland.

53. The public drop-in sessions provided people with an opportunity to come and view the policy in large format, take printed copies away and fill in feedback forms by hand if they wished.

54. Public consultation sessions were held as drop-ins rather than presentations to make it easier for people to get across the large amount of information, while zeroing in on the parts of the policy most of interest to them.

55. More importantly, the walkthroughs gave community organisations the chance to speak to one of the team about their individual situations, and what the policy might mean for them. This was definitely the main reason most attendees chose to come and visit, and people really valued the chance to have a chat with us in person.

56. Public drop-in sessions were held in:
   - Manukau
   - Pukekohe
   - Three Kings
   - Central Auckland
   - Kelston
   - Takapuna
   - Warkworth

57. Staff also ran a stall at the Diversity Forum in Manukau on July 24.
Characteristics of online respondents

58. Feedback was received from the majority of local board areas and was fairly evenly distributed across the city. The most responses were received from the Rodney (9), Franklin (8), Devonport-Takapuna (7), Waitemata (5) and Albert Eden (5) local board areas. No responses were received from the Great Barrier, Papakura, Puketāpapa and Whau local board areas.

59. We received 32 responses to the policy from men, 28 from women and two from gender diverse people. Nine respondents declined to give their gender.

60. Respondents to the draft policy were largely European. 50 of the 71 total responses were from people who identified as European. The next largest ethnic group who provided responses was Māori, at seven responses.

61. As a result, this feedback may not fully express the views of Māori, who the policy acknowledges have particular views and needs when it comes to partnering with the council, and it may also not give a complete picture of the views of other ethnic groups.

62. Feedback was received from a wide range of age groups (see table below). Those between the ages of 35 and 74 were the most likely to submit on the draft policy.

<table>
<thead>
<tr>
<th>Age group</th>
<th>Responses</th>
</tr>
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<tr>
<td>&lt;15</td>
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<td>65-74</td>
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<td>75+</td>
<td>3</td>
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<td>Blanks</td>
<td>6</td>
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</table>
Chairperson's report

File No.: CP2018/20028

Te take mō te pūrongo / Purpose of the report

1. Providing Chairperson Cath Handley with an opportunity to update the local board on the projects and issues she has been involved with and to draw the board’s attention to any other matters of interest.

Ngā tūtohunga / Recommendation

That the Waiheke Local Board:

a) note the report from Chairperson Cath Handley and attach it to the minutes.

Ngā tāpirihanga / Attachments

There are no attachments for this report.

Ngā kaihaina / Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Safia Cockerell - Democracy Advisor - Waiheke</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorisers</td>
<td>Louise Mason - GM Local Board Services</td>
</tr>
<tr>
<td></td>
<td>Helgard Wagener - Relshp Mgr - Great Barrier and Waiheke</td>
</tr>
</tbody>
</table>
Board member’s report

File No.: CP2018/19957

Te take mō te pūrongo / Purpose of the report
1. Providing board members with an opportunity to update the local board on the projects and issues they have been involved with and to draw the board's attention to any other matters of interest.

Ngā tūtohunga / Recommendation
That the Waiheke Local Board:
a) note Board Member Shirin Brown’s report.

Ngā tāpirihanga / Attachments

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Board Report October 2018</td>
<td>221</td>
</tr>
</tbody>
</table>

Ngā kaihaina / Signatories

Author: Safia Cockerell - Democracy Advisor - Waiheke

Authorisers:
- Louise Mason - GM Local Board Services
- Helgard Wagener - Relshp Mgr - Great Barrier and Waiheke
Board member report
May-October 2018

Kia ora Koutou

Time flies, I didn’t realise I was having so much fun. It’s hard to know what to focus on so I’ll aim for some of the highlights.

In the arts space, there have been some great local initiatives. We’ve had a couple of events in the Auckland Heritage Festival, we’ll be part of the Latin American Film Festival for the second year, there has been amazing community involvement and activities for Matariki including the Maumahara flame off the headland, and the collaboration between artists, the school and the art gallery.

Community Networks Waiheke (CNW) was also launched in September and is the rebranded WICOS, representing our social services networks. The RSA have now taken over the management of Ostend Hall and should be contacted regarding bookings in that space. It’s also lovely to see WRT moving from strength to strength in terms of community engagement and activities, and activation of the Sustainability Centre for community. I’m particularly impressed by Friday lunches which have diverted so much food waste, and create an amazing space for people of different ages, locals and visitors, to meet and gather. In the school holidays it was also lovely to see school-aged kids as part of the activity and to hear the Indonesian group offering some indigenous songs and singing Te Aroha. The Kai Conscious activation at Onetangi has also been a success and lovely to see all the yummy things that bring people together.

There was a very successful youth hui held at Surfside Hall earlier in the month with lots of participation from young people. We are currently looking at different ways of supporting a space for youth on the island.

In the environmental space, Te Korowai o Waiheke was launched as a way of bringing people together towards pest management on the island. Predator Free 2050 also agreed to support an island pest eradication focusing on stoats and rats. This is exciting news for Waiheke as it will mean we are working towards improving biodiversity and creating local jobs in this space. This has, however, never been done before so the group will be working towards realistic and achievable goals that have good biodiversity returns.

Waiheke Island is currently kauri dieback free and a number of initiatives are now underway to keep it that way. Forest and Bird have closed their reserves to the public and temporary closures of other tracks are planned. Cleaning stations are currently in place at the wharves, so if you know you have visitors coming from off-island to walk on Waiheke, perhaps suggest that they clean their shoes before they get here.

It’s interesting to see the island gearing up for Summer and it seems like the season starts earlier every year. There has been significant planting at Onetangi and it would be great to keep reminding people to use the accessways rather than jumping off the bank. There is some work being done to protect the bank
and provide a couple of access points to the beach, including a ramp to bring dingies and kayaks down from the road.

At Matiatia, there are currently issues with taxis and as we move into Summer there will be continued issues around who parks where. The issues are compounded by the deregulation affecting passenger transport vehicles and taxis which has resulted in a number of off island taxis working from Waiheke. How we protect local businesses in a context where we cannot control the legislation is a challenge. A local labelling system might help in this space, as well as tourism providers encouraging and reminding patrons to use local.

In the last six months, the Kennedy Point Marina was approved by the Environment Court. This has now been contested on a number of grounds by SKF, the community group who challenged this development in the environment court. The central query is around whether the Ngati Paoa views, that formed the basis for approval, in fact genuinely represent the Ngati Paoa viewpoint. These mandate issues are playing out in the courts which may affect whether the marina issues will be rehashed.

The Hope Walk and high school visit from Mike King to the Island were very successful in raising the profile of Suicide, but also focusing on the importance of connecting and being kind to ourselves and others. I really liked the way, Mike King drew attention to the fact sometimes we can be up, and at other times we’re down. It’s up to all of us to be there for people in their down moments.

Upcoming and current things to be a part of – Latin American Film Festival starts on Sunday, (20th), the Historic Society are hosting an open day on the 21st, the newly started Poto Hub Food hub is worth a look in on a Thursday evening. The Jassey Dean Garden Festival and the Walking Festival are coming up in November and mark the beginning of the Summer season for me. The elections for the Entrust board are currently being held. Voting papers will have arrived by mail. Things that might be at stake are the selling off of publicly owned assets so it’s worth focusing for a moment and sending the papers in.

Lastly, I’d like to acknowledge Penny Bright who passed away this month. I’ve always appreciated the fact she’s spoken her mind on issues that are important to me – the importance of transparent government, the Transpacific Partnership Agreement and its negative impact, US and British culpability in the war in Syria. Whether we agreed on all topics, it’s important, in my view, to have people who draw attention to the big issues and show them in a different light.

One year to go on this term of the local board. If you’re interested in standing or know people who would be great in the role, it’s a good time to start thinking about what kinds of people would make good community leaders.

Nga mihi nui

Shirin Brown
Waiheke Local Board workshop record of proceedings

File No.: CP2018/18145

Te take mō te pūrongo / Purpose of the report
1. Attached are copies of the record of proceedings of the Waiheke Local Board workshops held on 20 September, 27 September, 4 October and 11 October 2018.

Ngā tūtohunga / Recommendation
That the Waiheke Local Board:

a) note the record of proceedings of the Waiheke Local Board workshops held on 20 September, 27 September, 4 October and 11 October 2018.

Ngā tāpirihanga / Attachments

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>20180920 Waiheke Local Board Workshop proceedings</td>
<td>225</td>
</tr>
<tr>
<td>B</td>
<td>20180927 Waiheke Local Board Workshop proceedings</td>
<td>227</td>
</tr>
<tr>
<td>C</td>
<td>20181004 Waiheke Local Board Workshop proceedings</td>
<td>229</td>
</tr>
<tr>
<td>D</td>
<td>20181011 Waiheke Local Board Workshop proceedings</td>
<td>231</td>
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Ngā kaihaina / Signatories

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<td>Helgard Wagener - Relshp Mgr - Great Barrier and Waiheke</td>
</tr>
</tbody>
</table>
# Waiheke Local Board Workshop proceedings

Workshop record of the Waiheke Local Board held in the Waiheke Local Board Office, 10 Belgium Street, Ostend on Thursday 20 September 2018, commencing at 9.00am.

**PRESENT**
- **Chairperson:** Cath Handley
- **Members:**
  - Bob Upchurch
  - Shirin Brown (From 12.50pm)
  - John Meeuwsen
- **Apology:** Paul Walden
- **Also present:** Janine Geddes, Helgard Wagener, Mark Inglis, Safia Cockerell

<table>
<thead>
<tr>
<th>Workshop Item</th>
<th>Governance role</th>
<th>Summary of Discussions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Member Discussions</strong></td>
<td>Local Initiatives/Specific Decisions</td>
<td>Members used this time to discuss a number of local issues.</td>
</tr>
<tr>
<td><strong>Auckland Transport Update</strong></td>
<td>Keeping informed</td>
<td>Monthly workshop to discuss issues/progress. Topics discussed were:</td>
</tr>
<tr>
<td>Melanie Dale (Elected Member Relationship Manager)</td>
<td></td>
<td>• Parking changes at Matiatia</td>
</tr>
<tr>
<td>Jonathan Leveill (Senior Parking Designer)</td>
<td></td>
<td>• Due Road and Weka Street carpark changes (Oneroa)</td>
</tr>
<tr>
<td><strong>Community Facilities catch up</strong></td>
<td>Keeping informed</td>
<td>Officers were in attendance to discuss:</td>
</tr>
<tr>
<td>Rodney Klaassen (Stakeholder Advisor)</td>
<td></td>
<td><strong>Project Delivery and work programme update</strong></td>
</tr>
<tr>
<td>Katrina Morgan (Manager Community Led &amp; LDI Projects)</td>
<td></td>
<td>• Waiheke Tennis Court renewal</td>
</tr>
<tr>
<td>Jody Morley (Manager Project Delivery)</td>
<td></td>
<td>• Waiheke Golf Club driveway</td>
</tr>
<tr>
<td>Kara Burn (Renewals Coordinator)</td>
<td></td>
<td>• Onetangi Beach Structures</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Signage</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Te Matuku Bay boundary reserve</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Artworks courtyard activation</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Operational Maintenance</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Mahi Tahi newsletter</strong></td>
</tr>
<tr>
<td>Item 21</td>
<td></td>
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<tr>
<td><strong>Attachment A</strong></td>
<td></td>
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</tr>
</tbody>
</table>

| Local Grants Round One  
Agus Castro Pons  
(Grants Advisor) | Local Initiatives/Specific Decisions | The board reviewed the local grant applications received. |
|---|---|---|
| Sites and Places of Significance to Mana Whenua  
Vrinda Moghe  
(Principal Planner)  
Anna Papaconstantinou  
(Planner) | Keeping informed | The board was informed and updated on two council initiated plan changes prior to public notification for feedback. The purpose of the two plan changes is to recognise and protect the cultural values of the 36 nominated sites and places of significance to Mana Whenua within Auckland by way of scheduling into the two Plans. The plan change has been developed in collaboration with mana whenua. |
| Skype - 2018/2019 Waiheke Strategic Events Fund  
Mikaela Otene (Team Leader Event Facilitation (Central))  
Mike Banks (Event Facilitator) | Local Initiatives/Specific Decisions | Discussed and reviewed the Strategic Events Fund applications. |

The workshop concluded at 3:37pm
Waiheke Local Board Workshop proceedings

Workshop record of the Waiheke Local Board held in the Waiheke Local Board Office, 10 Belgium Street, Ostend on Thursday 27 September 2018, commencing at 9.00am.

PRESENT
Chairperson: Cath Handley
Members: Bob Upchurch, Shirin Brown, John Meeuwsen (From 11:30am to 1:00pm)
Apology: Paul Walden
Also present: Janine Geddes, Helgard Wagener, Mark Inglis, Safia Cockerell

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>Member Discussions</td>
<td>Local Initiatives / Specific</td>
<td>Members used this time to discuss a number of local issues.</td>
</tr>
<tr>
<td>ATEED 6 monthly report</td>
<td>Keeping informed</td>
<td>Presented and discussed the ATEED 6-monthly report prior to the business meeting.</td>
</tr>
<tr>
<td>Chris Lock (Senior Strategic</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Advisor - Local Boards)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Remuneration authority</td>
<td>Keeping informed</td>
<td>Briefed local board members on changes to the remuneration of local board members.</td>
</tr>
<tr>
<td>Helgard Wagener (Relationship</td>
<td></td>
<td></td>
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<tr>
<td>Manager)</td>
<td></td>
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<tr>
<td>Agenda run-through</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Waiheke waste services</td>
<td>Local initiative / preparing for</td>
<td>Updated the local board and sought their input on the future procurement of Waiheke</td>
</tr>
<tr>
<td>George Fietje (Resource</td>
<td>specific decisions</td>
<td>waste services.</td>
</tr>
<tr>
<td>Recovery Manager)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marcus Braithwaite (Snr Waste</td>
<td></td>
<td>The board gave input into the design and planning of future waste services for Waiheke,</td>
</tr>
<tr>
<td>Specialist (Recyc. &amp; Inorganic)</td>
<td></td>
<td>and how the services will be procured.</td>
</tr>
</tbody>
</table>
Item 21

Jaimee Maha (Team Leader Relationship Advisory)

The workshop concluded at 3:35pm
# Waiheke Local Board Workshop proceedings

Workshop record of the Waiheke Local Board held in the Waiheke Local Board Office, 10 Belgrave Street, Ostend on Thursday 4 October 2018, commencing at 9.00am.

## PRESENT
- **Chairperson:** Cath Handley
- **Members:** John Meeuwsen, Shirin Brown, Bob Upchurch (left the room from 11:45am to 12:15pm)
- **Apology:** Paul Walden
- **Also present:** Janine Geddes, Helgard Wagener, Mark Inglis, Safia Cockerell

<table>
<thead>
<tr>
<th>Workshop Item</th>
<th>Governance role</th>
<th>Summary of Discussions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Member Discussions</td>
<td>Local Initiatives/Specific Decisions</td>
<td>Members used this time to discuss a number of local issues.</td>
</tr>
<tr>
<td>Waiheke Local Parks Management Plan</td>
<td>Local Initiatives/Specific Decisions</td>
<td>Discussed the engagement approach on this project and worked through the Reserves Act classification requirements covering declaration as reserve, classification and reclassification, prior to formally reporting these. An update was also provided on Rangihoua Reserve / Onetangi Sports Park in which Member Bob Upchurch left the room.</td>
</tr>
<tr>
<td>engagement and classifications</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Annette Campion (Kaihautu Tai-ranga-whenua)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nicki Malone (Service and Asset Planner)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Helaina Farthing (Service and Asset Planner)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Review of the code of conduct</td>
<td>Input into regional decision making</td>
<td>Gave the board an understanding of the proposed changes to the CoC in order to inform the board’s formal feedback at their October business meeting.</td>
</tr>
<tr>
<td>Helgard Wagener (Relationship Manager)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Waiheke Area Plan</td>
<td>Local Initiatives/Specific Decisions</td>
<td>Waiheke Area Plan working party meeting No. 1.</td>
</tr>
<tr>
<td>Councillor Mike Lee - Waitematā Ward</td>
<td></td>
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<tr>
<td>Attachment C</td>
<td></td>
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<td>--------------</td>
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</tbody>
</table>

**Item 21**

<table>
<thead>
<tr>
<th>Swimming Pool Feasibility Study</th>
<th>Local Initiatives/Specific Decisions</th>
<th>Discussed the proposed methodology with the board who gave their input before consultation starts.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pippa Sommerville (PSR Portfolio Manager)</td>
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<tr>
<td>Sanjeev Karan (Sports and Rec Lead)</td>
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<tr>
<td>Phil Howard (Pacific Environments Architects)</td>
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<td>Craig Jones (Visitor Solutions)</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Housing Strategy</th>
<th>Local Initiatives/Specific Decisions</th>
<th>Finalised the board’s housing strategy.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mark Inglis (Local Board Advisor)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The workshop concluded at 4:27pm
Waiheke Local Board Workshop proceedings

Workshop record of the Waiheke Local Board held in the Waiheke Local Board Office, 10 Belgium Street, Ostend on Thursday 11 October 2018, commencing at 9.00am.

**PRESENT**
- Chairperson: Cath Handley
- Members: John Meeuwsen, Shirin Brown, Bob Upchurch
- Apology: Paul Walden
- Also present: Janine Geddes, Helgard Wagener, Mark Inglis, Safia Cockerell

<table>
<thead>
<tr>
<th>Workshop Item</th>
<th>Governance role</th>
<th>Summary of Discussions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Member Discussions</td>
<td>Local Initiatives/Specific Decisions</td>
<td>Members used this time to discuss a number of local issues.</td>
</tr>
</tbody>
</table>
| Natural environment workshop – targeted rate, kauri dieback and Regional Pest Management Plan | Input to regional decision-making   | Discussed the new natural environment targeted rate work programme and provided feedback on the following topics:  
- outline of kauri dieback management approach.  
- an introduction to the natural environment targeted rate delivery programme.  
- feedback received from the Waiheke community during consultation on the proposed Regional Pest Management Plan and changes proposed to the final plan. |
<p>| Jaimee Maha (Team Leader Relationship Adviscry)    |                                       |                                                                                                                                                                                                                         |
| Gael Ogilvie (General Manager Environmental Services) |                                       |                                                                                                                                                                                                                         |
| Kristen Spooner (Innovation &amp; Partnership Specialist) |                                       |                                                                                                                                                                                                                         |
| Richard Balm (Biosecurity Team Manager - Kauri Dieback) |                                       |                                                                                                                                                                                                                         |</p>
<table>
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<tr>
<th>Item 21</th>
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</table>

### Distance:</p>

<table>
<thead>
<tr>
<th>Topic</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>Deryn Dromgoole (Biosecurity Advisor Plants – Waiheke)</td>
<td>Strategic Broker catchup: Keeping Informed</td>
</tr>
<tr>
<td>Fiona Gregory (Strategic Broker)</td>
<td>Surtdale Hall update: Local Initiatives/Specific Decisions</td>
</tr>
<tr>
<td>Doris (Youth Centre Coordinator)</td>
<td>Healthy Homes Standards submission: Input into regional decision making</td>
</tr>
<tr>
<td>Gert van Staden (Community Lease Advisor)</td>
<td>Quick Response Round One: Local Initiatives/Specific Decisions</td>
</tr>
<tr>
<td>Ket Teirney (Manager Service Improvement)</td>
<td>Matiatia and Kennedy boat ramps: Local Initiatives/Specific Decisions</td>
</tr>
<tr>
<td></td>
<td>Little Oneroa update: Local Initiatives/Specific Decisions</td>
</tr>
</tbody>
</table>
The workshop concluded at 3:53pm
Governance Forward Work Programme

File No.: CP2018/18146

Whakarāpopototanga matua / Executive summary
1. Attached is a copy of the Governance Forward Work Programme for Waiheke which is a schedule of items that will come before the board at business meetings and workshops over the next 12 months.

Ngā tūtohunga / Recommendation
That the Waiheke Local Board:
a) note the Governance Forward Work Programme.

Ngā tāpirihanga / Attachments

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Governance Forward Work Programme</td>
<td>237</td>
</tr>
</tbody>
</table>

Ngā kaihaina / Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Safia Cockerell - Democracy Advisor - Waiheke</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorisers</td>
<td>Louise Mason - GM Local Board Services</td>
</tr>
<tr>
<td></td>
<td>Helgard Wagener - Relshp Mgr - Great Barrier and Waiheke</td>
</tr>
<tr>
<td>Meeting (workshop or business meeting)</td>
<td>Date</td>
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<td>Workshop</td>
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<td>Workshop</td>
<td>13 Dec</td>
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<tr>
<td>Workshop</td>
<td></td>
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<tr>
<td>Business Meeting</td>
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</table>
List of resource consents

File No.: CP2018/18147

Whakarāpopototanga matua / Executive summary
1. Attached are the lists of resource consent applications related to Waiheke Island received from 15 to 21 September, 22 to 28 September, 29 September to 5 October 2018.

Ngā tūtohunga / Recommendation
That the Waiheke Local Board:

a) note the lists of resource consents lodged related to Waiheke Island from 15 to 21 September, 22 to 28 September, 29 September to 5 October 2018.

Ngā tāpirihanga / Attachments

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Resource consent applications received from 15 to 21 September 2018</td>
<td>241</td>
</tr>
<tr>
<td>B</td>
<td>Resource consent applications received from 22 to 28 September 2018</td>
<td>243</td>
</tr>
<tr>
<td>C</td>
<td>Resource consent applications received from 29 September to 5 October 2018</td>
<td>245</td>
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</table>

Ngā kaihaina / Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Safia Cockerell - Democracy Advisor - Waiheke</th>
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<tbody>
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</tr>
<tr>
<td></td>
<td>Helgard Wagener - Relshp Mgr - Great Barrier and Waiheke</td>
</tr>
<tr>
<td>Application No.</td>
<td>Date Lodged</td>
</tr>
<tr>
<td>----------------</td>
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<tr>
<td>LUC30326587</td>
<td>Sep 17, 2018</td>
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<tr>
<td>TRE30320614</td>
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<td>CST80328691</td>
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<td>TRE80328790</td>
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<tr>
<td>CST80326981</td>
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<td>LUC80327316</td>
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<td>LUC80327381</td>
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<td>LUC803273399</td>
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<td>DIS60327455</td>
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</table>
## Attachment C

### Item 23

<table>
<thead>
<tr>
<th>Number</th>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>LUC0037541</td>
<td>Oct 3, 2018</td>
<td>Land Use Consent Application, 215D Awaawaroa Road, Waiheke Island, Auckland 1971</td>
</tr>
<tr>
<td>LUC00327544</td>
<td>Oct 3, 2016</td>
<td>Land Use Consent Application, 100 Park Point Drive, Waiheke Island, Auckland 1981</td>
</tr>
<tr>
<td>LUC00327575</td>
<td>Oct 3, 2018</td>
<td>Land Use Consent Application, 5 Church Bay Road, Waiheke Island, Auckland 1981</td>
</tr>
<tr>
<td>TRE00327549</td>
<td>Oct 3, 2016</td>
<td>Tree Consent Application, 14 Matapuna Road, Waiheke Island, Auckland 1981</td>
</tr>
</tbody>
</table>

- **LUC0037541**: 137m², four bedroom dwelling is proposed within the open concave terrain within which the designated building platform and existing cabins are located. The existing double garage on the site, a water tank and four of the existing cabins will be relocated to within the southern portion of the designated building platform and utilised as a VFU.
- **LUC00327544**: Retrospective addition of a bedroom to existing dwelling and deck extension, new boat shed and variation to Consent Notice.
- **LUC00327575**: Adds and alters to an existing dwelling.
- **TRE00327549**: Crown thin a Pohutukawa.
Exclusion of the Public: Local Government Official Information and Meetings Act 1987

That the Waiheke Local Board

a) exclude the public from the following part(s) of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

<table>
<thead>
<tr>
<th>Reason for passing this resolution in relation to each matter</th>
<th>Particular interest(s) protected (where applicable)</th>
<th>Ground(s) under section 48(1) for the passing of this resolution</th>
</tr>
</thead>
<tbody>
<tr>
<td>The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</td>
<td>s7(2)(ba) - The item relates to an application for a resource consent or water conservation order or a requirement for a designation or heritage order under the Resource Management Act 1991 and the withholding of the information is necessary to avoid serious offence to tikanga Maori or to avoid the disclosure of the location of waahi tapu. In particular, the report contains information on nominated sites and places of significance to mana whenua that has been provided to council on a confidential basis until the plan change has been approved for public notification.</td>
<td>s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</td>
</tr>
</tbody>
</table>

C1 Sites and Places of Significance to Mana Whenua – Tranche 1: Plan Changes to the Auckland Unitary Plan (Operative in Part) and Auckland Council District Plan - Hauraki Gulf Islands Section 2018