

Memo

(12 April 2019)

To: (Victoria Villaraza – Relationship Manager, Maungakiekie-Tāmaki and Puketāpapa Local Board)

cc: (Mal Ahmu – Local Board Advisor, Maungakiekie-Tāmaki Local Board
Christie McFadyen – Senior Local Board Advisor, Maungakiekie-Tāmaki Local Board)

From: (Chris Makoare – Chairperson, Maungakiekie-Tāmaki Local Board
Debbie Burrows – Deputy Chairperson, Maungakiekie-Tāmaki Local Board)

Subject: Urgent decision request of the Maungakiekie-Tāmaki Local Board

Purpose

To seek the local board relationship manager's authorisation to commence the urgent decision-making process and if granted, seek formal approval from the chair and deputy chair (or any person acting in these roles) to use the process to make an urgent decision.

The decision required, and the supporting report, are attached to this memo. The urgent decision being sought needs to be authorised by the chair and deputy chair (or any person acting in these roles) by signing this memo. Both this memo and the report will be reported as an information item at the next business meeting if the urgent decision-making process proceeds.

Reason for the urgency

There is an opportunity for Auckland Council to make a submission regarding the Department of Conservation's proposal to revoke certain delegations which are currently made to Territorial Authorities under the Reserves Act 1977.

The case for an urgent decision is made due to the need for local board input into the Auckland Council submission to be made by 18 April 2019, in order for the submission to be approved by the Environment and Community Committee on 14 May 2019 and the feedback to meet the Department of Conservation deadline of 17 May 2019. The Maungakiekie-Tāmaki Local Board's next scheduled business meeting is Tuesday 23 April 2019.

Local boards have the opportunity to provide feedback on the draft Auckland Council submission, so that their views can be considered by staff drafting the submission. All formal local board feedback will also be attached verbatim to the final Auckland Council submission.

The proposal relates to core responsibilities of local board decision making under the Auckland Council shared governance model, and could have potentially far reaching time and cost implications.

The urgent decision will be reported to the full local board during the next scheduled meeting on Tuesday 23 April 2019.

Decision sought from the chair and deputy chair (or any person acting in these roles)

That the Maungakiekie-Tāmaki Local Board:

- a) provide formal feedback on the Department of Conservation proposed revocation of certain delegations to Territorial Authorities under the Reserves Act 1977.

Background

The Department of Conservation wrote to all territorial authorities on 14 March 2019 seeking feedback on a proposal to revoke most Ministerial powers currently delegated to councils under the Reserves Act 1977. Territorial authorities have exercised these powers since 2013.

The letter and associated table outlining the proposed changes are attached to this memo.

If the proposal were to proceed, it would mean most decisions regarding local reserves will require Minister of Conservation approval, in addition to the relevant decision made by the local board.

These delegated “supervisory” Ministerial decisions currently sit with the Governing Body and have been sub-delegated to staff.

There are likely to be time delays on decisions as well as costs associated. Based on current timing and cost-recovery policies this could be of up to one year and \$3,000 per decision. It is assumed that there would also be a considerable increase in staffing resources required to process decisions for local parks under the Reserves Act 1977 throughout New Zealand.

Attachments

No.	Title	Page
A	Report: <i>Department of Conservation proposal to revoke Reserves Act 1977 delegations.</i>	
B	draft Auckland Council Submission to the Department of Conservation.	

Authorisation of the urgent decision-making process



Signed by Victoria Villaraza

Relationship Manager, Maungakiekie-Tāmaki and Puketāpapa Local Board

Date: 16/04/2019

Approval to use the urgent decision-making process



Chris Makoare

Chairperson, Maungakiekie-Tāmaki Local Board

Date: 17/04/2019



Debbie Burrows

Deputy Chairperson, Maungakiekie-Tāmaki Local Board

Date: 17/04/2019

Maungakiekie-Tāmaki Local Board Resolution/s

That the Maungakiekie-Tāmaki Local Board:


- a) oppose the proposal to revoke 44 of the 50 Ministerial powers within the Reserves Act 1977
- b) endorse the key points, overall position and impacts on council in the draft Auckland Council submission to the Department of Conservation
- c) request that the Minister of Conservation engages with local government, including Local Boards and goes through an extensive consultation process with local communities on the proposed changes and how this will affect the use of reserves by the public and the cost this proposal will have on ratepayers
- d) note that the Department of Conservation proposal to revoke Reserves Act delegations will impact local decision-making, in particular:
 - i) approval of Reserve Management Plans
 - ii) classification of reserves
 - iii) the change of classification or purpose of a reserve
 - iv) declaration of land vested in council to be a reserve
 - v) exchange of reserves for other land
 - vi) granting of rights of way and other easements
 - vii) powers (other than leasing) in respect of reserve

- viii) leasing of reserves
- e) request that if the proposed change is to proceed this year then:
 - i) changes should be limited in scope to address high-level issues such as alienation of reserve land (through sale or partial sale, land swaps, etc.), revocation of reserve status or changes to reserve classification, approval of management plans, etc.
 - ii) that day-to-day management of reserves (particularly those owned by local government entities) should be unaffected, as local decisions should be made at the relevant local level.



Chris Makoare
Chairperson, Maungakiekie-Tāmaki Local Board

Date: 17/04/2019



Debbie Burrows
Deputy Chairperson, Maungakiekie-Tāmaki Local Board

Date: 17/04/2019