I hereby give notice that an ordinary meeting of the Environment and Community Committee will be held on:

Date: Tuesday, 14 May 2019  
Time: 9.30am  
Meeting Room: Reception Lounge  
Venue: Auckland Town Hall  
301-305 Queen Street  
Auckland

Komiti Taiao ā-Hapori Hoki / Environment and Community Committee

OPEN AGENDA

MEMBERSHIP

Chairperson  
Cr Penny Hulse  
Cr Alf Filipaina

Deputy Chairperson
Cr Josephine Bartley  
IMSB Member Renata Blair  
IMSB Member James Brown  
Cr Dr Cathy Casey  
Deputy Mayor Cr Bill Cashmore  
Cr Ross Clow  
Cr Fa’anana Efeso Collins  
Cr Linda Cooper, JP  
Cr Chris Darby  
Cr Hon Christine Fletcher, QSO  
Mayor Hon Phil Goff, CNZM, JP

(Quorum 11 members)

Suad Allie  
Governance Advisor

9 May 2019  

Contact Telephone: (09) 977 6953  
Email: suad.allie@aucklandcouncil.govt.nz  
Website: www.aucklandcouncil.govt.nz

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.
Terms of Reference

Responsibilities
This committee deals with all strategy and policy decision-making that is not the responsibility of another committee or the Governing Body. Key responsibilities include:

- Development and monitoring of strategy, policy and action plans associated with environmental, social, economic and cultural activities
- Natural heritage
- Parks and reserves
- Economic development
- Protection and restoration of Auckland’s ecological health
- Climate change
- The Southern Initiative
- Waste minimisation
- Libraries
- Acquisition of property relating to the committee’s responsibilities and within approved annual budgets
  - Performing the delegations made by the Governing Body to the former Parks, Recreation and Heritage Forum and Regional Development and Operations Committee, under resolution GB/2012/157 in relation to dogs
- Activities of the following CCOs:
  - ATEED
  - RFA

Powers
(i) All powers necessary to perform the committee’s responsibilities, including:
  (a) approval of a submission to an external body
  (b) establishment of working parties or steering groups.
(ii) The committee has the powers to perform the responsibilities of another committee, where it is necessary to make a decision prior to the next meeting of that other committee.
(iii) The committee does not have:
  (a) the power to establish subcommittees
  (b) powers that the Governing Body cannot delegate or has retained to itself (section 2)
Exclusion of the public – who needs to leave the meeting

Members of the public
All members of the public must leave the meeting when the public are excluded unless a resolution is passed permitting a person to remain because their knowledge will assist the meeting.

Those who are not members of the public
General principles
- Access to confidential information is managed on a "need to know" basis where access to the information is required in order for a person to perform their role.
- Those who are not members of the meeting (see list below) must leave unless it is necessary for them to remain and hear the debate in order to perform their role.
- Those who need to be present for one confidential item can remain only for that item and must leave the room for any other confidential items.
- In any case of doubt, the ruling of the chairperson is final.

Members of the meeting
- The members of the meeting remain (all Governing Body members if the meeting is a Governing Body meeting; all members of the committee if the meeting is a committee meeting).
- However, standing orders require that a councillor who has a pecuniary conflict of interest leave the room.
- All councillors have the right to attend any meeting of a committee and councillors who are not members of a committee may remain, subject to any limitations in standing orders.

Independent Māori Statutory Board
- Members of the Independent Māori Statutory Board who are appointed members of the committee remain.
- Independent Māori Statutory Board members and staff remain if this is necessary in order for them to perform their role.

Staff
- All staff supporting the meeting (administrative, senior management) remain.
- Other staff who need to because of their role may remain.

Local Board members
- Local Board members who need to hear the matter being discussed in order to perform their role may remain. This will usually be if the matter affects, or is relevant to, a particular Local Board area.

Council Controlled Organisations
- Representatives of a Council Controlled Organisation can remain only if required to for discussion of a matter relevant to the Council Controlled Organisation.
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1 **Apologies**

An apology from Cr S Stewart has been received.

2 **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.

3 **Confirmation of Minutes**

That the Environment and Community Committee:

a) confirm the ordinary minutes of its meeting, held on Tuesday, 9 April 2019, as a true and correct record.

4 **Petitions**

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

5 **Public Input**

Standing Order 7.7 provides for Public Input. Applications to speak must be made to the Governance Advisor, in writing, no later than **one (1) clear working day** prior to the meeting and must include the subject matter. The meeting Chairperson has the discretion to decline any application that does not meet the requirements of Standing Orders. A maximum of **thirty (30) minutes** is allocated to the period for public input with **five (5)** minutes speaking time for each speaker.

5.1 **Public Input: Climate Change - Genevieve Maria Forde**

**Te take mō te pūrongo**

**Purpose of the report**

1. Genevieve Maria Forde will be present to discuss climate change.

**Ngā ūtōhunga**

**Recommendation/s**

That the Environment and Community Committee:

a) receive the presentation from Genevieve Maria Forde and thank her for her attendance.
5.2 Public Input: Community Conservation Groups – Waitakere Ranges

Te take mō te pūrongo

Purpose of the report
1. To provide some background from various Conservation Groups – Waitakere Ranges regarding the community advocating for better biodiversity outcomes for the Waitakere Ranges, through effective and responsive predator control methods and practices.

Ngā tūtohunga

Recommendation/s
That the Environment and Community Committee:

a) receive the presentation from the Annalily van den Broeke, Forest and Bird Waitakere and Kaipara, John Sumich, Mutuku Link and Gillian Waddams, Ark in the Park and thank them for their attendance.

5.3 Public Input: Te Whau Pathway - Tony Miguel

Te take mō te pūrongo

Purpose of the report
1. To provide an update on Te Whau Pathway including the project objectives, achievements to date, next stages of the project and a proposal to develop an Environmental Restoration Action Plan for the Whau River Catchment.

Ngā tūtohunga

Recommendation/s
That the Environment and Community Committee:

a) receive the presentation from the Whau Coastal Walkway Environmental Trust and thank them for their attendance.

6 Local Board Input

Standing Order 6.2 provides for Local Board Input. The Chairperson (or nominee of that Chairperson) is entitled to speak for up to five (5) minutes during this time. The Chairperson of the Local Board (or nominee of that Chairperson) shall wherever practical, give one (1) day’s notice of their wish to speak. The meeting Chairperson has the discretion to decline any application that does not meet the requirements of Standing Orders.

This right is in addition to the right under Standing Order 6.1 to speak to matters on the agenda.

At the close of the agenda no requests for local board input had been received.
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."
Submission on the Department of Conservation’s proposal to revoke certain Ministerial delegations to territorial authorities under the Reserves Act 1977

File No.: CP2019/06797

Te take mō te pūrongo
Purpose of the report
1. To approve Auckland Council’s submission to the Department of Conservation on its proposal to revoke certain Ministerial delegations to territorial authorities under the Reserves Act 1977.

Whakarāpopototanga matua
Executive summary
2. The submission responds to correspondence from the Department of Conservation (the Department) to all Chief Executives of territorial authorities. It seeks feedback on its proposal to revoke certain Ministerial powers under the Reserves Act 1977, currently delegated to councils.

3. Key points made in the submission are:
   • council does not support the proposal to revoke 44 of the 50 delegated Ministerial powers under the Reserves Act 1977
   • substantive justification for the proposed revocation of delegations has not been provided
   • the proposal undermines local decisions and community outcomes without evidence of a problem
   • local authorities have experience and skill exercising dual decision-making
   • Ministerial decision-making would lead to inevitable delays at the expense of local communities, and the cost should not be borne by them
   • the Reserves Act 1977 is nearly 50 years old, is outdated and needs reform.

4. Staff recommend the Environment and Community Committee approve the submission.

5. There are no risks associated with approving the submission.

6. The submission has been amended to reflect key points received through elected member feedback. Local board resolutions will be included with the submission.

7. The submission will be forwarded to the Department by 17 May 2019. The Department has indicated that it will collate all comments received before forwarding to the Minister of Conservation for a final decision.

Ngā tūtohunga
Recommendation/s
That the Environment and Community Committee:

a) approve the Auckland Council submission on the Department of Conservation’s proposal to revoke certain Ministerial delegations to territorial authorities under the Reserves Act 1977.
Horopaki

Context

8. Auckland Council received correspondence from the Department of Conservation (the Department) to all Chief Executives of territorial authorities dated 14 March 2019 (refer Attachment A and B).

9. The Department requested feedback on a proposal to revoke Ministerial powers under the Reserves Act 1977 (the Act) currently delegated to councils. It proposes to revoke 44 of the 50 Ministerial powers currently delegated to local authorities.

10. The Department seeks feedback by 17 May 2019. It will then collate all comments received before forwarding to the Minister of Conservation for a final decision.

Elected member consultation

11. A workshop was held with the Local Board Chairs on 8 April 2019 and with the Environment and Community Committee on 10 April 2019.

12. A draft submission was prepared for circulation to elected members for their feedback.

13. Three drop-in sessions for elected members were arranged for 17 and 18 April 2019 to answer questions, provide further information if requested and receive feedback.

Tātaritanga me ngā tohutohu

Analysis and advice

14. Key points made in the submission are:

• council does not support the proposal to revoke 44 of the 50 delegated Ministerial powers under the Reserves Act 1977
• substantive justification for the proposed revocation of delegations has not been provided
• the proposal undermines local decisions and community outcomes without evidence of a problem
• local authorities have experience and skill exercising dual decision-making
• Ministerial decision-making would lead to inevitable delays at the expense of local communities, and the cost should not be borne by them
• the Reserves Act 1977 is nearly 50 years old, is outdated and needs reform.

Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera

Council group impacts and views

15. The draft submission for elected members was prepared with advice received from key groups across the organisation that require the Act as guiding legislation for their work or would be impacted by the proposed revocation of the Ministerial delegations.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe

Local impacts and local board views

16. In general, feedback received from local boards did not support the Department’s proposal to revoke certain Ministerial delegations under the Act and was in support of the draft submission (refer Attachment C and D).
17. A high-level summary of the feedback is that:
   - no substantive justification for the proposal has been provided
   - it is unclear what problem the Department is trying to fix
   - the impact of the proposal would:
     - undermine decision-making at a local level
     - potentially incur significant time delays and cost
     - have a possible detrimental impact on local communities
   - a full legislative review of the Act is required
   - no decision should be made by the Minister until the Supreme Court has made a decision in the Opua case.

18. Some local boards did not express an objection to the Department's proposal. Other matters raised were directed at council's delegation of its own decision-making, rather than at the exercise of the Ministerial powers under delegation.

19. Local board feedback has been incorporated into the attached submission, in particular the addition of cost impacts and the requirement of a full legislative review.

20. The submission has been amended to reflect key points received through elected member feedback. Local board resolutions will be included with the submission.

**Tauākī whakaaweawe Māori**

**Māori impact statement**

21. The proposed revocation of Ministerial powers delegated to territorial authorities could impact on co-governance entities including the Tūpuna Maunga Authority, Ngāti Whātua Ōrākei Reserves Board, and Te Poari o Kaipātiki ki Kaipara.

22. The submission sets out a position that no changes should be made to any delegations under the Act within the Tāmaki Makaurau region that would impact on co-governance arrangements with mana whenua under Ngā Mana Whenua Tāmaki Makaurau Collective Redress Act 2014, the Ngāti Whātua Ōrākei Claims Settlement Act 2011 and the Ngāti Whatau Kaipara Claims Settlement Act 2013.

23. It is understood that the Chair of the Tūpuna Maunga Authority is corresponding with the Minister of Conservation directly on this matter.

24. The Ngāti Whātua Ōrākei Reserves Board and Te Poari o Kaipātiki ki Kaipara may also choose to address this matter directly with the Minister of Conservation.

**Ngā ritenga ā-pūtea**

**Financial implications**

25. There are no financial implications arising from approving the submission.

**Ngā raru tūpono me ngā whakamaurutanga**

**Risks and mitigations**

26. There are no risks arising from approving this submission.

**Ngā koringa ā-muri**

**Next steps**

27. The approved submission will be forwarded to the Department by 17 May 2019.
Ngā tāpirihanga

Attachments

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<td>B</td>
<td>Attachment to letter from Department of Conservation 14 March 2019</td>
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<tr>
<td>C</td>
<td>Auckland Council's draft submission on the Department of Conservation's proposal</td>
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<td>D</td>
<td>Local board feedback on draft submission</td>
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Ngā kaihaina

Signatories

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<tr>
<th>Author</th>
<th>Phillip Shaw - Principal Policy Analyst</th>
</tr>
</thead>
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<tr>
<td>Authorisers</td>
<td>Emma Golightly - Team Leader - Parks and Recreation Policy</td>
</tr>
<tr>
<td></td>
<td>Kataraina Maki – General Manager - Community &amp; Social Policy</td>
</tr>
<tr>
<td></td>
<td>Dean Kimpton - Chief Operating Officer</td>
</tr>
</tbody>
</table>
Ref: DOC 5730277

14 March 2019

Attn: Chief Executive
All Territorial Authorities

Tēnā koe

Subject: The revocation of certain delegations to Territorial Authorities under the Reserves Act 1977

In June 2013, the Minister of Conservation delegated certain powers under the Reserves Act 1977 (the 2013 delegations) to Territorial Authorities. Over the past year or so there have been instances where Territorial Authorities have relied on the delegations to exercise the prior consent role of the Minister in circumstances where they have also made the initial decision to grant the instrument or activity applied for.

In a recent Court of Appeal decision, (Opua Coastal Preservation Inc v Far North District Council)¹ the Court considered a delegation of the Minister’s prior consent role under s 48 of the Reserves Act 1977 to be “highly unusual”. The Court commented that it could be argued that it replaced a two-step process involving two separate decision makers (the Council and the Minister) with a single-step process and a single decision maker. The Court noted that the effect of the delegation was that the Council made both decisions contemplated by s 48(1)(f) of the Reserves Act and observed that “[I]t might be thought that in these circumstances any difference of view between the two decision makers is unlikely”. The Court did not rule on the legality of the delegation because the Appellant had not pursued the matter. Nevertheless, it seems that had the lawfulness of the delegation been in issue the Court would have ruled it to be unlawful.

In light of the above, we have undertaken a review of the 2013 delegations was undertaken, it would appear some are potentially unlawful and would put Councils in a position of conflict of interest, for example;

a) Those where a Council makes its own decision and then acts under delegation to exercise the prior consent role of the Minister;
b) Those where the Minister’s power to carry out certain actions has been delegated to Councils, including a requirement for the Minister to consult with a Council before exercising the power. In this situation, a Council would end up consulting with itself.


Department of Conservation Te Papa Atauhiai
Where Kaupapa Atauhia / Conservation House
PO Box 10420, Wellington 6143.
www.doc.govt.nz
In view of the above, the Minister of Conservation is considering a proposal whether to revoke certain delegations and has requested that the Department seek your comments before the Minister makes a decision. Attachment 1 to this letter sets out the delegations proposed to be revoked and contains a column for you to insert your comments/views.

We also take this opportunity to invite you to identify any new delegation proposals that you believe would improve efficiencies for Councils and that you would like the Minister to consider. We ask that you use Attachment 2 for this purpose.

A table of the sections, the power delegated and the reasoning for the revocation is attached, along with a table for any new items you may want considered.

Please forward your responses no later than 26 April 2019 to Sheryll Johnson, sjohnson@doc.govt.nz. All comments will be collated and forwarded to the Minister for a final decision.

Nāku noa, nā

Marie Long
Director, Planning, Permissions and Land

Department of Conservation Te Pāpa Atawhai
Whare Kaupapa Atawhai / Conservation House
PO Box 20-420, Wellington 6143,
www.doc.govt.nz
### Attachment 1 – Proposed Delegations for Revocation

<table>
<thead>
<tr>
<th>Section Heading</th>
<th>Power Delegated</th>
<th>Reason</th>
<th>Comment</th>
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<tbody>
<tr>
<td>Section 14 Local authority may declare land vested in it to be a reserve for</td>
<td>Section 14(4) Minister must consider resolution and cause it to be gazetted or refuse to do so</td>
<td>The Council would be double dipping - i.e. making a resolution and then considering it again in the shoes of the Minister</td>
<td></td>
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<td>certain purposes</td>
<td></td>
<td></td>
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<tr>
<td>Section 15 Minister may authorise exchange of reserves for other land</td>
<td>Section 15(1) Minister may authorise exchange provided that Minister not exercise power in respect of a reserve vested in an administering body except pursuant to a resolution of that body requesting exchange</td>
<td>The delegation enables the Council to control the outcome</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Section 15(3) The Minister or the administering body, as the case may require, may do all things necessary to effect any exchange, including the payment of money</td>
<td></td>
<td>This delegation is not necessary as s15(3) already authorises the administering body to do these things</td>
</tr>
<tr>
<td>Section 24 Change of classification or purpose or revocation of reserve</td>
<td>Section 24(1) If Minister considers the change of classification or purpose advisable or if the local authority notifies Commissioner that pursuant to a resolution of the local authority of proposed changes, Minister may make changes</td>
<td>The delegation enables the local authority to make the resolution seeking the changes. It also enables it to exercise the Minister’s powers to agree to the changes.</td>
<td>The delegation to a Council is inappropriate. It would be exercising the Minister’s powers to consider objections made to the administering body’s own resolution.</td>
</tr>
<tr>
<td></td>
<td>Section 24(2)(e) Before classification or purpose is changed or reservation revoked, the Minister must consider proposal and, in the case of objections made to an administering body, the administering body’s resolution</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 41 Management Plans</td>
<td>Section 41(1) Administering body must prepare and submit to Minister a management for approval</td>
<td>The delegation seems inappropriate. The administering body ends up preparing the plan and approving it. The intention is that there be a separation of powers</td>
<td></td>
</tr>
<tr>
<td>Section 42 Preservation of trees and bush</td>
<td>Section 42(1) The destruction of trees and bush on any historic, scenic, nature or scientific reserve may not occur without a permit granted under s 48A or with the express consent of the Minister</td>
<td>As noted below it would not be appropriate to delegate to administering bodies the Minister’s power under s 48A(3) to impose conditions</td>
<td></td>
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<tr>
<td>Section 45</td>
<td>Erection of shelters, cabins and lodges</td>
<td>Section 45(1)</td>
<td>The administering body may with the Minister’s prior consent approve certain things</td>
</tr>
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<td>Section 48</td>
<td>Grants of rights of way and other easements</td>
<td>Section 48(1)</td>
<td>Where reserve vested in administering body, it may with the consent of the Minister grant rights of ways and easements</td>
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<td>Section 48A</td>
<td>Use of reserve for communication station</td>
<td>Section 48A(1)</td>
<td>The administering body of a reserve vested in it acting with the consent of the Minister may grant a licence for certain things</td>
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<tr>
<td>Section 51</td>
<td>Introduction of flora and fauna</td>
<td>Section 51(1)</td>
<td>For the purpose of restoring, promoting or developing certain reserves, the Minister may authorise the administering body to introduce flora or fauna</td>
</tr>
<tr>
<td>Section 53</td>
<td>Powers (other than leasing) in respect of recreation reserves</td>
<td>Section 53(1)(d)</td>
<td>Administering body may prescribe not more than 40 days in any year that the public shall not be entitled to have admission to reserve unless on payment of charges provided that with the Minister’s prior consent the number of days may be increased</td>
</tr>
<tr>
<td>Section 54</td>
<td>Leasing powers in respect of recreation reserves (except farming, grazing, or afforestation leases)</td>
<td>Section 54(1)</td>
<td>With the prior consent of the Minister the administering body in which a reserve is vested may lease parts of a reserve to a third party</td>
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<td>Section 55</td>
<td>Powers (other than leasing) in respect of reserves</td>
<td>Section 55(2)(a)</td>
<td>The administering body of a scenic reserve may, with the prior consent of the Minister, enclose</td>
</tr>
<tr>
<td>Section 56</td>
<td>Leasing powers in respect of scenic reserves</td>
<td>Section 56(1)</td>
<td>With prior consent of the Minister, the administering body in the case of a scenic reserve may grant leases or licences</td>
</tr>
<tr>
<td>Section 56(2)</td>
<td>Before granting a lease, the administering body must give public notice</td>
<td></td>
<td>This delegation is not necessary</td>
</tr>
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</table>

| Section 58 | Powers in respect of historic reserves | Section 58(2) | With prior consent of the Minister, the administering body may set apart and use part of an historic reserve for residences for officers and staff | The administering body makes both the initial decision and the Minister's decision |

| Section 58A | Leasing powers in respect of historic reserves | Section 58A(1) | With prior consent of the Minister, the administering body of an historic reserve may grant leases or licences | The administering body makes both the initial decision and the Minister's decision |
| Section 59A  
Granting of concessions on reserves administered by Crown | Section 59A(1)  
The administering body may grant concessions | This seems inappropriate. If administering bodies of vested reserves need the prior consent to Minister to grant leases and licences, why should administering bodies of controlled and managed reserves be able to grant concessions? |
| --- | --- | --- |
| Section 67  
Leasing | Section 67(1)(b)  
With prior consent of the Minister, the administering body may lease a recreation reserve set apart for racecourse purposes to a racing club | The administering body makes both the initial decision and the Minister's decision |
| Section 72  
Farming by another person or body | Section 72(1)  
Where a recreation reserve or local purpose reserve is not required for purposes of classification the administering body may enter into an agreement or lease with the Minister to provide for a third party to carry out farming | The delegation is inappropriate as the administering body would end up entering into an agreement with itself |
| Section 73  
Leasing of recreation reserves for purposes of farming, grazing, afforestation or other purposes | Section 73(1)  
Where recreation reserve not currently required for purposes of its classification, the administering body may with the prior consent of the Minister if reserve vested in the administering body, grant a lease, otherwise only Minister can grant leases  
Section 73(2)  
Likewise, for afforestation  
Section 73(3)  
Leases of recreation reserves where inadvisable or inexpedient to revoke reservation of recreation reserve  
Section 73(5)  
Prior consent of Minister before any member of administering body becomes the lessee of land under control of administering body  
Section 73(6)  
Any lease under s 73 may with approval of administering body be surrendered | The administering body makes both the initial decision and the Minister's decision  
The administering body makes both the initial decision and the Minister's decision  
The administering body makes both the initial decision and the Minister's decision  
Delegation is inappropriate  
Delegation is unnecessary |
<table>
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<tr>
<th>Section 74</th>
<th>Licences to occupy reserves temporarily</th>
<th>Section 74(1)(b)(ii) Licences may be granted in the case of any reserve except a nature reserve by the Commissioner</th>
<th>This delegation is misconceived. This power relates to Crown vested reserves managed by the Department</th>
</tr>
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<tr>
<td>Section 75</td>
<td>Afforestation by administering body</td>
<td>Section 75(1) With prior consent of the Minister an administering body of a recreation reserve may afforest it. Section 75(2) Minister may refuse to give consent</td>
<td>The administering body makes both the initial decision and the Minister’s decision. The administering body makes both the initial decision and the Minister’s decision.</td>
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<td>Section 16</td>
<td>Classification or reserves</td>
<td>Section 16(1) Minister must by GN classify reserves according to their primary purpose provided that where reserves are controlled or managed by a Council the Minister must not classify without consulting it. Section 16(4) Before classifying a reserve, the Minister must give public notice</td>
<td>The delegation effectively means the Council consults with itself. If the previous delegation is revoked this will need to be revoked as well.</td>
</tr>
<tr>
<td>Section 18</td>
<td>Historic reserves</td>
<td>Section 18(2)(e) Except where the Minister otherwise determines, the indigenous flora and fauna and natural environment of an historic reserve shall as far as possible be preserved</td>
<td>The Minister may wish to maintain control of these decisions</td>
</tr>
<tr>
<td>Section 19</td>
<td>Scenic reserves</td>
<td>Section 19(2)(e) Except where the Minister otherwise determines, the indigenous flora and fauna and natural environment of a scenic reserve classified for its scenic values shall as far as possible be preserved and exotic fauna and flora shall be exterminated. Section 19(3)(a) Except where the Minister otherwise determines, the flora and fauna, ecological associations and natural environment and beauty of a scenic reserve classified for the purpose of providing suitable areas to develop for purposes of generating scenic beauty or interest, shall as far as possible be preserved</td>
<td>The Minister may wish to maintain control of these decisions. The Minister may wish to maintain control of these decisions.</td>
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<tr>
<td>Section 24</td>
<td>Change of classification or purpose or revocation of reserve</td>
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<td>Section 24(3)</td>
<td>No change of classification or purpose of a scenic, nature or scientific reserve to a recreation, historic, government purpose or local purpose should be made except where the Minister considers the purpose etc no longer appropriate because of destruction of bush or natural features</td>
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<td>Section 24(5)</td>
<td>Minister may change the classification or purpose or revoke the reservation of an historic reserve by reason of destruction of historic features</td>
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| The Minister may wish to maintain control of these decisions given the importance of the type of reserve |

| The Minister may wish to maintain control of these decisions given the relative importance of historic reserves |

<table>
<thead>
<tr>
<th>Section 42</th>
<th>Preservation of trees and bush</th>
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<tbody>
<tr>
<td>Section 42(1)</td>
<td>Minister must consent to cutting or destruction of bush on any historic, scenic, nature or scientific reserve except in accordance with a permit under s 48A or with the express consent of the Minister and subject to any terms and conditions the Minister chooses to impose</td>
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</table>

| The section 48A permit issue has been dealt with in the table above |

| The Minister may wish to maintain control over the circumstances of providing express consent to destroying or cutting down bush |

<table>
<thead>
<tr>
<th>Section 50</th>
<th>Taking or killing of fauna</th>
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<tbody>
<tr>
<td>Section 50(1)</td>
<td>The Minister in the case of a scenic, historic, nature or scientific reserve and the administering body of any recreation, government purpose or local purpose reserve may grant any qualified person authorisation to take and kill any specified type of fauna and authorise the use of firearms etc.</td>
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</table>

<p>| The Minister may wish to maintain control over authorisations on the killing etc of fauna on scenic, historic, nature and scientific reserves |</p>
<table>
<thead>
<tr>
<th>Attachment 2 - Proposals to amend / expand delegations</th>
<th>Power Delegated</th>
<th>Reason</th>
<th>Comment</th>
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<tr>
<td>Section Heading</td>
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Submission to the Department of Conservation

In the matter of the proposal to revoke certain delegations to territorial authorities under the Reserves Act 1977

Auckland Council, 14 May 2019
Mihimihi

Ka mihia ake ai ki ngā maunga here kōrero,
kī ngā pari whakarongo tāi,
kī ngā awa tuku kiri o ōna manawhunua,
ōna mana ā-īwi taketake mai, touwhi atu.
Tāmaki – makau a te rau, mura a te tīnī, wenerau
a te mano.
Kāhore tō rito i te ao.

I greet the mountains, repository of all that has been
said of this place,
there I greet the cliffs that have heard the ebb and
flow of the tides of time,
and the rivers that cleansed the forebears of all who
came those born of this land
and the newcomers among us all.
Auckland – beloved of hundreds, famed among the
multitude, envy of thousands.
You are unique in the world.
Ko te tāpaetanga o te Kaunihera o Tāmaki Makaurau

Auckland Council Submission 14 May 2019

Taitara/Title: Submission on the proposal to revoke certain delegations to territorial authorities under the Reserves Act 1977

Submission to the Department of Conservation.

1. This submission is from Auckland Council (the council) and has been approved by the Environment and Community Committee.

Key Points

2. The council does not support the proposal to revoke 44 of the 50 Ministerial powers within the Reserves Act 1977 (the Act), delegated to territorial authorities. The reasons for this are outlined below.

3. Substantive justification for the proposed revocation of delegations has not been provided:
   - the Court of Appeal in Opua Coastal Preservation Inc v Far North District Council [2018] NZCA 262 did not decide on the lawfulness of the Ministerial delegations to local authorities under the Reserves Act 1977
   - the High Court decision of Gibbs v New Plymouth District Council [2006] NZRMA 517 squarely upheld the lawfulness of the Act delegation at issue in that case. This legal case should be relied on, rather than judicial comments on a case which is under appeal with the Supreme Court
   - current legal precedent weighs in favour of the current delegation of Ministerial powers, not against it.

4. Local authorities have experience and skill exercising dual decision-making:
   - Auckland Council, like other local authorities is very capable and experienced at differentiating and making decisions under the Act as both the administering body and under Ministerial delegation
   - Auckland Council has in the exercise of the delegation fulfilled the supervisory intent of the Ministerial powers: to ensure compliance with the requirements of the Act
   - the proposed revocation of delegations undermines local decisions and community outcomes without evidence of a problem with dual decision-making by local authorities
   - the most appropriate place to identify additional opportunities, concerns and responses to specific practice by council when exercising dual decision-making (as administering body and under Ministerial delegation) is through an update of the Reserves Act Guide 2004. A review that we note has been pending for several years.
5. Delays in Ministerial decision-making would be inevitable and would be at the expense of local communities. In our view revoking Ministerial delegations would undermine local decision making, co-governance and community outcomes:

- revoking Ministerial delegations is likely to add significant delays to local communities in respect of all Reserves Act 1977 processes
- Auckland Council’s ability to be responsive to communities and the changing needs of customers will be severely impacted. This could lead to a decline in trust and confidence
- local communities should not be charged for delegated Ministerial powers being revoked and instead exercised by Department of Conservation staff. Particularly on the large number of reserves they have funded and maintain
- no changes should be made to any delegations under the Act within the Auckland region that would impact on co-governance arrangements with mana whenua under Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014, the Ngāti Whātua Ōrākei Claims Settlement Act 2011 and the Ngāti Whātua Kaipara Claims Settlement Act 2013.

6. We consider the Act is outdated and requires legislative reform through repeal and new legislation or significant amendment to better reflect:

- changes in our community, such as the desire to make it easier to permit clubs to undertake revenue raising activities that support their services
- the relationship between central and local government in the administration of council-owned and managed reserves, noting that 80% of the nearly 4000 Auckland Council reserves are owned by Auckland Council and are administered without any contribution from central government.

Ngā koringa ā-muri/Next Steps

7. Auckland Council is available to discuss and provide its view to the Minister of Conservation before a decision is made. This is considered essential given the number of reserves held under Reserves Act 1977 in Tāmaki Makaurau and the number of New Zealanders we serve.

8. We also strongly urge the Minister to talk to a range of local authorities, and Local Government New Zealand, before making a decision.
Horopaki/Context

9. This submission responds to correspondence from the Department of Conservation (the Department) to all Chief Executives of territorial authorities dated 14 March 2019.

10. The Department requested feedback on a proposal to revoke Ministerial powers under the Reserves Act 1977 (the Act) currently delegated to councils. It proposes to revoke 44 of the 50 Ministerial powers currently delegated to local authorities.

11. The Department also requested that territorial authorities identify any new delegation proposals that would improve efficiencies.

Tunga whânui/Overall Position

Substantive justification for proposed revocation of delegations not provided

12. The council does not support the proposal to revoke 44 of the 50 Ministerial powers, delegated to territorial authorities under the Reserves Act 1977.

13. The Department has provided no substantive justification for the proposal.

14. The Department’s proposal to change Ministerial delegations appears to be based solely on comments made by the Court of Appeal in its decision of Opua Coastal Preservation Inc v Far North District Council [2018] NZCA 262. The Department has expressed a view of the case that:
   - some of the existing Ministerial powers delegated to a council could be potentially unlawful
   - councils could have a conflict of interest when they make a decision and then exercise the delegated Ministerial powers
   - the requirements for the Minister to consult with the council, may mean that council consults with itself, which is potentially another conflict of interest.

15. We are concerned that the Department is seeking to take action in response to the Opua decision, yet the Court did not address the lawfulness of the delegations in this case.

16. We consider the Department would be incorrect and unjustified in advising the Minister based on an assumption that the Court of Appeal “would have” ruled delegations unlawful had they been in issue.

17. Because it was not in issue in the case, the Court did not have the benefit of legal argument on the legality of the delegations including:
   - the extent of the Minister’s power of delegation in section 10 of the Act (which explicitly and broadly empowers delegation to local authorities)
   - relevant High Court decisions, including Gibbs v New Plymouth District Council [2006] NZRMA 517 (Gibbs)
   - evidence on the practical and legal manner in which local authorities separate types of decision-making and incorporate two-step decision-making processes.
18. The Court of Appeal’s comments in the Opua case do not create a legal precedent.

19. The decision in Gibbs supports the Ministerial delegations to the local authorities as lawful. The council argues that this legal case should be relied on, rather than judicial comments on a case which is under appeal with the Supreme Court.

20. Current legal precedent weighs in favour of current delegation of Ministerial powers, not against it.

21. We recommend that the Minister be advised that:
   - the Court of Appeal in the Opua case did not decide on the lawfulness of the Ministerial delegations to local authorities under the Act
   - the High Court decision of Gibbs v New Plymouth District Council [2006] NZRMA 517 squarely upheld the lawfulness of the Act delegation at issue in that case. This legal case should be relied on, rather than judicial comments on a case which is under appeal with the Supreme Court
   - current legal precedent weighs in favour of the current delegation of Ministerial powers, not against it.

Proposal undermines local decisions and community outcomes without evidence of a problem

22. Delegation of Ministerial powers to territorial authorities under the Act have taken place since 1999. This was intended to deliver three primary outcomes:
   - devolution of a high level of decision-making to local authorities
   - greater flexibility in the approach to reserves management
   - standardisation and updating of process and terminology.

23. The most recent delegation of the Ministerial powers to local authorities in 2013 sought to allow for improved decision-making at a local level.

24. The council does not support any proposal that will undermine the primary outcomes sought from the 2013 delegation under the Act. As addressed below, it would be a backwards step to unwind decision-making at the local level and disempower local communities. There is also a risk that the proposed changes will reduce our ability to deliver a range of health, wellbeing and social outcomes under the Auckland Plan for our communities.

25. No evidence has been provided by the Department to illustrate unlawful or persistent problems by local authorities exercising dual decision-making under the Act. No evidence has also been provided about local authorities being unable to recognise and manage potential or actual conflict of interest in dual decision-making.

Local authorities have experience and skill exercising dual decision-making

26. Auckland Council has many years’ experience exercising our responsibilities, including delegations, under the Act. Since the establishment of Auckland Council we have invested in clear systems and processes to discharge our functions under the Act and to lawfully exercise the Ministerial delegations.

27. The council, like other local authorities, is very capable of differentiating and making dual decisions under the Act as both the administering body and under Ministerial delegation.
28. The council has exercised these Ministerial delegations lawfully and responsibly in service to local communities. In accordance with the Department's guidance material accompanying the 2013 delegations we have fulfilled the supervisory intent of the delegated Ministerial powers, to ensure compliance with the requirements of the Act.

29. Auckland Council is experienced at making decisions in an independent and objective manner. This includes making many separate decisions with different legal requirements and acting in different statutory roles. This is business as usual for local authority decision-makers.

30. Auckland Council as a unitary authority frequently balances both territorial and regional responsibilities and the inherent conflicts of interest that some of these responsibilities pose. The dual governance structure made up of the Governing Body; Mayor and 20 councillors; and 21 local boards provide an additional layer of challenge and scrutiny in decision-making.

31. Elected officials are supported in their decision-making capacity with formal training and staff advice.

32. We have processes and systems to manage any actual and potential conflicts of interest, particularly for dual decision-making situations: as an administering body, under Ministerial delegation, in quasi-judicial circumstances and as a territorial authority with regional council oversight.

33. These dual roles are frequently implemented for the same proposal. It is the nature of local authority decision-making that councils are required to manage different decision-making roles with respect to a single proposal. This is expressly recognised in section 39(c) of the Local Government Act 2002 and in the Department of Conservation's guidance in relation to the 2013 delegations. Because of this council can ensure that decision-making of the council as administering body and decision-making of council as delegate of the Minister are separated. In this way the two-step process envisaged by the Act is retained.

34. Key examples of councils exercising dual functions include:

   - the council may be both applicant (as landowner) and consent authority. Councils have also acted in some cases as both appellant and respondent in resource consent appeals (for example Matamata Piako District Council v Matamata Piako District Council PT Auckland A41/96; Auckland Council v Auckland Council [2018] NZ EnvC 56)
   - council may apply to itself for exemptions under the Building Act 2004 or Health Act 1956
   - in some cases a council has determined it must prosecute itself and, as defendant, has pleaded guilty [Bay of Plenty Regional Council v Bay of Plenty Regional Council (Whakatane) DC Tauranga CRN 4087005972, 15 July 1994.

Conflict of interest

35. The council considers that the many processes, systems and practices we have in place allow legally robust dual decision-making while managing any potential or actual conflict of interest.

36. In our view the delegations do not place the council in a position of conflict of interest, as is suggested in the Department's 14 March letter. While it is possible to conceive of councils as having a conflict of roles, we do not consider this will arise in most cases.
37. We consider that generally conflicts of interest are something held by a particular decision-maker rather than a public institution as a whole. The council as an institution is multi-faceted and has a broad range of corporate and public interests.

38. In a large number of cases the interests of the Minister and council will align completely and there would be no conflict. If ever a perceived conflict did arise, the council would remain free to decline to exercise the delegated power and refer the matter to the Minister.

39. Any conflict is properly managed by ensuring appropriate separation of decision-making functions and adherence to the Department’s 2013 guidance.

40. The council recommends that the Minister be advised that:
   - Auckland Council, like other local authorities is very capable and experienced at differentiating and making decisions under the Act as both the administering body and under Ministerial delegation
   - Auckland Council has in the exercise of the delegation fulfilled the supervisory intent of the Ministerial powers, to ensure compliance with the requirements of the Act
   - the proposed revocation of delegations undermines local decisions and community outcomes without evidence of a problem with dual decision-making by local authorities.
   - the most appropriate place to identify additional opportunities, concerns and responses to specific practice by council when exercising dual decision-making (as administering body and under Ministerial delegation) is through an update of the Reserves Act Guide 2004. A review that we note has been pending for several years.

Ngā whakaaweawe a Kaunihera/Impacts on council

41. The following section outlines the impact the revocation of delegations under the Reserves Act 1977 is likely to have, should the proposal proceed.

Auckland is experiencing fast-paced growth and we need to empower and meet diverse community needs

42. Tāmaki Makaurau is the largest and fastest growing region in New Zealand.

43. Auckland’s parks and reserves provide critical social infrastructure that support and respond to this growth. They provide opportunities for all Aucklanders to participate in sport and recreation and for a range of social and environmental outcomes.

44. Tāmaki Makaurau is one of the most diverse cities in the world with over 180 ethnicities. 40 per cent of the population was born overseas.

45. It is essential that council have the most efficient and effective decision-making processes. This enables the council to provide accessible services, social and cultural infrastructure that are responsive to Aucklanders diverse and evolving needs.

46. The Ministerial delegations are essential to manage the enormous scale and volume of decisions that are required for the effective and efficient administration of reserves, as required under the Act.
47. Tāmaki Makaurau has over 4000 parks and reserves amounting to over 18,000 parcels of land. Auckland Council also has approximately 1400 leases and licences that authorise sporting and community organisations to occupy recreation reserves and local purpose reserves.

48. The continually evolving processes and systems that council have had in place to implement the delegations has ensured that council can deliver effective service for our local communities under the Act.

**Delays in Ministerial decision-making inevitable at the expense of local communities**

49. Delays in Ministerial decision-making would be inevitable and would be at the expense of local communities. In our view revoking Ministerial delegations would undermine local decision making, co-governance and community outcomes.

**Delay**

50. The number of reserves that we administer means council will likely request decisions from the Minister on a weekly basis if the delegations were to be revoked. These decisions would primarily relate to:

- reserve management plans
- classification and reclassification
- land exchanges
- easements
- leases and licences.

51. Seeking approval under the Act from the Department on any of the above matters is likely to lead to significant delays. The council seeks an understanding from the Department on how it proposes to resource the significant volume of work required to process these decisions.

52. These delays would have a pronounced impact on our ability to deploy and manage community infrastructure, programmes and activities that are core to our local government function. It would reduce our ability to effectively improve the quality of our environment and social wellbeing across our communities.

53. These issues would be exacerbated in Auckland because of growth and associated high-speed change in infrastructure and the tensions around the delivery of multiple outcomes in respect of council parks managed under the Act.

54. The council is concerned that Ministerial decision-making would be undertaken with little understanding of the local issues. This would ultimately cause unnecessary delay in delivering health and wellbeing benefits to our communities. We may see a decline in community trust and confidence in both local and central government.

**Cost**

55. We are concerned about the additional costs associated with the delegated Ministerial powers being revoked and instead exercised by Department of Conservation staff. Your cost-recovery model suggests that the community will ultimately bear the cost of Ministerial decisions, most often on a large number of reserves they have funded and maintain. This would include all community leases and easements for infrastructure under reserves. This cost could be significant over time.
Co-governance

56. There are a number of co-governance entities established under their own legislation in Tāmaki Makaurau including:
   - Tūpuna Maunga Authority
   - Ngāti Whāitu Ōrākei Reserves Board
   - Te Poari o Kaipātiki ki Kaipara

57. We are particularly concerned that no changes are made to any delegations under the Act within the Tāmaki Makaurau region that would impact on co-governance arrangements with mana whenua. Specifically, Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014, the Ngāti Whāitu Ōrākei Claims Settlement Act 2011 and the Ngāti Whāitu Kaipara Claims Settlement Act 2013.

58. Future Treaty Settlements involving land held under the Act would need to be treated similarly to existing settlement provisions, for example Hunua Falls Scenic Reserve.

59. We understand that the Chair of the Tūpuna Maunga Authority is corresponding with the Minister of Conservation directly on this matter.

60. The Ngāti Whāitu Ōrākei Reserves Board and Te Poari o Kaipātiki ki Kaipara may also choose to address this matter directly with the Minister of Conservation.

61. The council recommend that the Minister be advised that:
   - revoking Ministerial delegations is likely to add significant delays to local communities in respect of all Reserves Act 1977 processes
   - Auckland Council’s ability to be responsive to communities and the changing needs of customers will be severely impacted. This could lead to a decline in trust and confidence
   - local communities should not be charged for delegated Ministerial powers being revoked and instead exercised by Department of Conservation staff particularly on the large number of reserves they have funded and maintain
   - no changes should be made to any delegations under the Act within the Auckland region that would impact on co-governance arrangements with mana whenua under Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 the Ngāti Whāitu Ōrākei Claims Settlement Act 2011 and the Ngāti Whāitu Kaipara Claims Settlement Act 2013.

The Reserves Act 1977 is nearly 50 years old, is outdated and needs reform

62. The Act is nearly 50 years old and in our view is outdated in many respects. This can be seen in the increasingly common decision by local councils not to hold land as a reserve under the Act and instead hold the land under the Local Government Act 2002.

63. We consider the Act is outdated and requires legislative reform through repeal and new legislation or significant amendment to better reflect:
   - changes in our community, such as the desire to make it easier to permit clubs to undertake revenue raising activities that support their services
the relationship between central and local government in the administration of council-owned and managed reserves, noting that 80% of the nearly 4000 Auckland Council reserves are owned by Auckland Council and are administered without any contribution from central government.

Ngā koringa ā-muri/Next Steps

64. Auckland Council is available to discuss and provide its view to the Minister of Conservation before a decision is made. This is considered essential given the number of reserves held under the Act and the number of New Zealanders they serve.

65. We also strongly urge the Minister to talk to a range of local authorities, and Local Government New Zealand, before making a decision.
Albert-Eden Local Board feedback -
Department of Conservation proposed
revocation of certain delegations to
Territorial Authorities under the
Reserves Act 1977

Under Auckland Council’s Governance Structure, local boards are the decision
makers for all local parks across the Auckland Region (this excludes Regional Parks
and parks owned and managed by the Tūpuna Maunga o Tāmaki Makaurau
Authority.

The Department of Conservation’s proposal to revoke Reserves Act delegations will
impact on local decision-making. Key areas of local decision-making that will be
impacted are:

- approval of Reserve Management Plans
- classification of reserves
- the change of classification or purpose of a reserve
- declaration of land vested in council to be a reserve
- exchange of reserves for other land
- granting of rights of way and other easements
- powers (other than leasing) in respect of reserves
- leasing of reserves.

There is concern that this proposal will remove local decision-making.

Key issues are:

- It is unclear on the information provided why DOC is seeking this revocation
  and what the overarching benefit to our reserves and communities will be with
  the proposed change
- Approximately 80% of Auckland reserves are owned by Auckland Council with
  no contribution by central government; it raises questions about the extent to
  which decision-making settings in the Reserves Act continue to be fit for
  purpose.
- Seeking central government approval is likely to take additional time, and
  cause delays to projects (initiated by both council and local communities).
- There are likely to be increased costs to council (and therefore to the rate-
  payers of Auckland).
- Decisions normally made within the shared governance structure of Auckland
  Council would need to be approved by central government staff not located
  within the Auckland Region (eg Hamilton and Wellington offices).
The local board strongly oppose the proposed changes, and as such support the points raised in the Auckland Council submission.

The local board request:
- that day-to-day management of reserves (owned by local government entities) should be unaffected - i.e. local decisions should be made at the relevant local level;
- that the minister engage with territorial authorities before making any decision to alter the delegations currently in place;
- that if any changes are to proceed this year they should be limited in scope to address high-level issues such as alienation of reserve land (through sale or partial sale or land swaps), revocation of reserve status or approval of management plans.
For Action

MEMO TO: Emma Golightly - Team Leader - Parks and Recreation Policy
COPY TO: Tristan Coulson, Phillip Shaw
FROM: Heather Skinner - Local Board Advisor
DATE: 23 April 2019
MEETING: Devonport-Takapuna Local Board Meeting of 15/04/2019

Please note for your action / information the following decision arising from the meeting named above:

DT/2019/51 Department of Conservation proposal to revoke Reserves Act 1977 delegations
FILE REF CP2019/05228
AGENDA ITEM NO. 14

14  Department of Conservation proposal to revoke Reserves Act 1977 delegations

A copy of the Auckland Council Submission to the Department of Conservation in the matter of the certain delegations to territorial authorities under the Reserves Act 1977 was tabled. A copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

Resolution number DT/2019/51
MOVED by Chairperson G Wood, seconded by Deputy Chairperson G Gillon:
That the Devonport-Takapuna Local Board:

a) recommends that no decision on the proposed changes to the Reserve Act 1977 Ministerial delegations be made until the appeal of the Opua Coastal Preservation Inc v Far North District Council [2018] NZCA 262 decision to the Supreme Court has been completed;

b) provides the following feedback on the Auckland Council Proposal on the revocation of certain delegations to territorial authorities under the Reserves Act 1977 submission:

i. Supports the council’s position to not support the proposal to revoke 44 of the 50 Ministerial powers within the Reserves Act 1977, delegated to local authorities if decision-making for local parks and reserves is allocated to local boards. This would include returning of delegated decision-making of films and events on local reserves and parks, including the receipt of fees associated with events and films; and approval for disposal of all land, including the divestment of surplus land.
ii. Supports the following submission points:
   
   • that substantive justification for the proposed revocation of
delegations has not been proven, and a clear identification
of the problems exercising dual delegations by councils
under the Reserves Act 1977 is lacking;

   • that the proposed revocation of delegations will undermine
local decision-making and community outcomes and would
be a backwards step to undo decision-making at the local
level for local communities;

   • that the proposed revocation of delegations will add
significant delays to all Reserves Act 1977 processes, and
council’s ability to be responsive to communities will be
severely impacted;

   • that the revocation of delegations will mean that the
Minister of Conservation (or delegate) will largely focus on
whether procedural steps were followed, and decision-
making would be undertaken with little understanding of
local issues,

iii. Notes that it is premature to justify changes to the Reserves Act
1977 Ministerial delegations, as they are based on comments
made by the Court of Appeal in its decision of Opua Coastal
Preservation Inc v Far North District Council [2018] NZCA 262, and
this case has also been appealed to the Supreme Court;

iv. Recommends a full review of the Reserves Act 1977, rather than
an update of the Reserves Act Guide 2004, as noted in the council
submission requesting that if the delegations are to remain with
local authorities, then some form of appeal rights are allocated to
the Department of Conservation under special or exceptional
circumstances

v. Supports other key points highlighted in the council submission,
which include:

   • council has significant experience exercising its
responsibilities and delegations under the Reserves Act
1977;

   • council has invested in processes, systems and practices
to allow robust dual decision-making, while managing any
potential or actual conflicts of interest;

   • the Ministerial delegations are essential for council to
manage the enormous scale and volume of decisions that
are required for the effective and efficient administration of
reserves, as required under the Reserves Act 1977.

CARRIED

Note: Member O’Connor abstained from voting on the above resolution
Note: Member Sheehy left the meeting at 4.50pm
Note: member Sheehy returned to the meeting at 4.51pm
SPECIFIC ACTIONS REQUIRED:

Please note resolutions for action
Urgent decision: Franklin Local Board

18 April 2019

Re: Franklin Local Board feedback on the Auckland Council submission on the Department of Conservation proposal to revoke certain delegations to territorial authorities under the Reserves Act 1977

1. Subject

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

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 Auckland Council submission. All formal local board feedback will also be appended to the final Auckland Council submission.

This urgent decision resolves Franklin Local Board feedback with approval from the chair and deputy chair on behalf of the board.

2. 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 (the proposal). Territorial authorities have exercised these powers since 2013.

The letter outlining the proposed changes are attached (attachment A).

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.

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 to both local board and community-led initiatives.

Local boards have the opportunity to provide feedback on the draft Auckland Council submission (attachment B), so that their views can be considered by staff drafting the final Auckland Council submission.

Franklin Local Board members have reviewed the draft submission and provided feedback (attachment C).

3. Reason for urgency

Local board input into the Auckland Council submission must be made by 24 April 2019, in order for the submission to be approved by the Environment and Community Committee on 14 May 2019 in time for the Department of Conservation deadline on feedback of 17 May 2019.

The draft Auckland Council submission on the proposal was not available for board consideration until after the 16 April 2019 business meeting. The Franklin Local Board’s next scheduled business meeting is Tuesday 4 June 2019 (after the feedback deadline).

The urgent decision will be reported to the full local board during the next scheduled meeting on Tuesday 4 June 2019.
4. Recommendation

That the Franklin Local Board;

a) Request that staff consider the following feedback from the Franklin Local Board on the Department of Conservation proposal to revoke certain delegations to territorial authorities under the Reserves Act 1977 (the proposal) in the Auckland Council submission on the proposal;

i. endorse the Council submission to the Department of Conservation in the matter of the proposal on the revocation of certain delegations to territorial authorities under the Reserves Act 1977 (the proposal).

ii. does not support the Department of Conservation’s proposal to revoke certain delegations to territorial authorities under the Reserves Act 1977 on the basis that:
   • substantive justification for the proposed revocation has not been proved and
   • if the proposal were to proceed, it would undermine decision-making at the local level for local communities.

iii. Note with concern that should the proposal proceed, the board’s ability to effectively deliver on outcomes identified in the Franklin Local Board Plan 2017 would be compromised, specifically;
   • Outcome 1: to enhance, protect and maintain our diverse natural environment and make sure it can be enjoyed.
   • Outcome 4: Make full use of existing outdoor space and community facilities before developing new and
   • Outcome 5: Support community participation in helping to shape people’s quality of life, creativity, health and well-being.

iv. Note with concern that should the proposal proceed, it is likely to create additional cost and delays to both local board and community-led initiatives, undermining meaningful community empowerment.

b) note that the Franklin Local Board feedback (attachment C) will be attached verbatim to the Auckland Council submission which will be recommended to Environment and Community Committee for their approval on 14 May 2019 and sent to the Department of Conservation by the due date of 17 May 2019.

Authorised for release:

Signed by Nina Siers, Relationship Manager, Franklin Local Board  
Date 23/4/2019

Signatories

Angela Fulljames, Chairperson, Franklin Local Board  
Date 23/4/2019

Andrew Baker, Deputy Chairperson, Franklin Local Board  
Date 23/4/2019
Memorandum

23/4/2019

To: Emma Golightly - Parks and Recreation Team Leader - Community & Social Policy

Cc: Nina Siers – Relationship Manager Franklin and Howick Local Boards
    Carol Stewart, Senior Policy Adviser, Local Board Services.

Subject: Franklin Local Board feedback on the Auckland Council submission on the Department of Conservation proposal to revoke certain delegations to territorial authorities under the Reserves Act 1977

From: Angela Fulljames, Chair - Franklin Local Board

Purpose

1. To provide local feedback on the draft Auckland Council submission on the Department of Conservation proposal to revoke certain delegations to territorial authorities under the Reserves Act 1977 (the submission) to be appended to the final Auckland Council submission.

Summary

- 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 (the proposal).
- The Franklin Local Board endorses the council submission to the Department of Conservation in the matter of the proposal on the revocation of certain delegations to territorial authorities under the Reserves Act 1977 (the proposal).
- 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 to both local board and community-led initiatives.
- The Franklin Local Board does not support the Department of Conservation’s proposal to revoke certain delegations to territorial authorities under the Reserves Act 1977 for reasons outlined within Auckland Council’s submission, with additional comment outlined in the “Feedback” section below and as resolved by the Franklin Local Board.

Context/Background

2. 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 (the proposal). Territorial authorities have exercised these powers since 2013.

3. If the proposal were to proceed, it would mean most decisions regarding local reserves will require the Minister of Conservation’s 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.

4. 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 to both local board and community-led initiatives.
Feedback

5. Franklin Local Board members have reviewed the draft submission and have formally resolved the following feedback through the urgent decision process.

That the Franklin Local Board;

a) request that staff consider the following feedback from the Franklin Local Board on the Department of Conservation proposal to revoke certain delegations to territorial authorities under the Reserves Act 1977 (the proposal) in the Auckland Council submission on the proposal;
   i. endorse the council submission to the Department of Conservation in the matter of the proposal on the revocation of certain delegations to territorial authorities under the Reserves Act 1977 (the proposal).
   ii. does not support the Department of Conservation’s proposal to revoke certain delegations to territorial authorities under the Reserves Act 1977 on the basis that;
      • substantive justification for the proposed revocation has not been proved
      • if the proposal were to proceed, it would undermine decision-making at the local level for local communities.
   iii. note with concern that should the proposal proceed, the board’s ability to effectively deliver on outcomes identified in the Franklin Local Board Plan 2017 would be compromised, specifically;
      • Outcome 1: to enhance, protect and maintain our diverse natural environment and make sure it can be enjoyed.
      • Outcome 4: Make full use of existing outdoor space and community facilities before developing new and
      • Outcome 6: Support community participation in helping to shape people’s quality of life, creativity, health and well-being.
   iv. note with concern that should the proposal proceed, it is likely to create additional cost and delays to both local board and community-led initiatives, undermining meaningful community empowerment.

b) note that the Franklin Local Board feedback will be attached verbatim to the Auckland Council submission, which will be recommended to the Environment and Community Committee for their approval on 14 May 2019 and sent to the Department of Conservation by the due date of 17 May 2019.

6. The urgent decision to resolve Franklin Local Board feedback will be reported to the full local board during the next scheduled meeting on Tuesday 4 June 2019.

Next steps/implementation

7. As outlined in the above resolution, the Franklin Local Board request that staff attach this feedback verbatim to the Auckland Council submission and is sent as part of that submission to the Department of Conservation.
Memo

17 April 2019

To: Helgard Wagener - Relationship Manager Great Barrier and Waiheke, Izzy Fordham - Chairperson Great Barrier Local Board, Luke Coles - Deputy Chairperson Great Barrier Local Board

From: Jacqui Fyers - Senior Local Board Great Barrier

Subject: Urgent decision request of the Aotea Great Barrier Local Board

Purpose
The purpose of this memo is to initially seek the local board relationship manager's authorization 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 Ministerial 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 Great Barrier Local Board's next scheduled business meeting is Tuesday 21 May 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 appended 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 21 May 2019.

Decision sought from the chair and deputy chair (or any person acting in these roles)
That the Great Barrier Local Board:
   a) approve the feedback, as contained in attachment B, on the Department of Conservation proposed revocation of certain delegations to Territorial Authorities under the Reserves Act 1977.
   b) note that the Aotea Great Barrier Local Board feedback will be attached verbatim to the Auckland Council submission which will be recommended to Environment and Community Committee for their approval on 14 May 2019 and sent to the Department of Conservation by the due date of 17 May 2019.

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
Attachment A - Letter from Planning, Permissions and Land Direct, Department of Conservation, and table of proposed delegations for revocation
Attachment B - Great Barrier Local Board feedback
Authorisation of the urgent decision-making process

Helgard Wegener  
Relationship Manager, Aotea Great Barrier Local Board  
Date 11/04/2019

Approve it to use the urgent decision-making process

Izzy Fordham  
Chairperson, Aotea Great Barrier Local Board  
Date 16/04/2019

Luke Coles  
Deputy Chairperson, Aotea Great Barrier Local Board  
Date 16/4/2019

Aotea Great Barrier Local Board Resolution/s

That the Aotea Great Barrier Local Board:

a) approve the feedback, as contained in attachment 8 on the Department of Conservation proposed revocation of certain delegations to Territorial Authorities under the Reserves Act 1977.

b) note that the Aotea Great Barrier Local Board feedback will be attached verbatim to the Auckland Council submission which will be recommended to Environment and Community Committee for their approval on 14 May 2019 and sent to the Department of Conservation by the due date of 17 May 2019.

Izzy Fordham  
Chairperson, Aotea Great Barrier Local Board  
Date 16/04/2019

Luke Coles  
Deputy Chairperson, Aotea Great Barrier Local Board  
Date 16/4/2019
Ref: DOC 5730277

14 March 2019

Attn: Chief Executive
All Territorial Authorities

Tēnā koe

Subject: The revocation of certain delegations to Territorial Authorities under the Reserves Act 1977

In June 2013, the Minister of Conservation delegated certain powers under the Reserves Act 1977 (the 2013 delegations) to Territorial Authorities. Over the past year or so there have been instances where Territorial Authorities have relied on the delegations to exercise the prior consent role of the Minister in circumstances where they have also made the initial decision to grant the instrument or activity applied for.

In a recent Court of Appeal decision, (Opua Coastal Preservation Inc v Far North District Council) the Court considered a delegation of the Minister’s prior consent role under s 48 of the Reserves Act 1977 to be “highly unusual”. The Court commented that it could be argued that it replaced a two-step process involving two separate decision makers (the Council and the Minister) with a single-step process and a single decision maker. The Court noted that the effect of the delegation was that the Council made both decisions contemplated by s 48(1)(c) of the Reserves Act and observed that “[i]t might be thought that in these circumstances any difference of view between the two decision makers is unlikely”. The Court did not rule on the legality of the delegation because the Appellant had not pursued the matter. Nevertheless, it seems that had the lawfulness of the delegation been in issue the Court would have ruled it to be unlawful.

In light of the above, we have undertaken a review of the 2013 delegations was undertaken, it would appear some are potentially unlawful and would put Councils in a position of conflict of interest, for example;

a) those where a Council makes its own decision and then acts under delegation to exercise the prior consent role of the Minister;

b) those where the Minister’s power to carry out certain actions has been delegated to Councils, including a requirement for the Minister to consult with a Council before exercising the power. In this situation, a Council would end up consulting with itself.

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1 Opua Coastal Preservation Incorporated v Far North District Council & Others [2018] NZCA 262 20
July 2018.

Department of Conservation Te Papa Atawhai
Whare Kaupapa Atawhai / Conservation House
PO Box 10420, Wellington 6143,
www.doc.govt.nz
In view of the above, the Minister of Conservation is considering a proposal whether to revoke certain delegations and has requested that the Department seek your comments before the Minister makes a decision. Attachment 1 to this letter sets out the delegations proposed to be revoked and contains a column for you to insert your comments/views.

We also take this opportunity to invite you to identify any new delegation proposals that you believe would improve efficiencies for Councils and that you would like the Minister to consider. We ask that you use Attachment 2 for this purpose.

A table of the sections, the power delegated and the reasoning for the revocation is attached, along with a table for any new items you may want considered.

Please forward your responses no later than 26 April 2019 to Sheryll Johnson, sjjohnson@doc.govt.nz. All comments will be collated and forwarded to the Minister for a final decision.

Nāku noa, nā

Marie Long
Director, Planning, Permissions and Land
Aotea Great Barrier Local Board feedback on the proposal to revoke Ministerial delegations under the Reserves Act 1977

Aotea Great Barrier Local Board supports the comprehensive submissions made by Auckland Council and Local Government New Zealand in opposing the revocation of certain delegations to Territorial Authorities under the Reserves Act 1977.

In our opinion, it is absolutely imperative that before any final decision is made by the Minister a robust conversation is had with all Territorial Authorities.
23 Department of Conservation Proposal to Revoke Reserves Act 1977 Delegations

Resolution number HB/2019/1

MOVED by Chairperson J Parfitt, seconded by Member C Watson:

That the Hibiscus and Bays Local Board:

a) provide the following feedback on the Department of Conservation proposal to revoke current ministerial delegations to Auckland Council under the Reserves Act 1977:

i) does not support the proposal to revoke 44 delegations by the Minister for Conservation under the Reserves Act 1977

ii) note that the Reserves Act 1977, was drafted when central government had considerably more staff and expertise available to give effect to the Act

iii) further note that the Court of Appeal in Opua Coastal Preservation Society v Far North District Council was not directly asked to look at the matter of revocations under the Reserves Act 1977 as the point was not pursued by the appellant, and therefore the commentary by the court was an observation not a considered judgment

iv) recommend that the Department of Conservation re-assess whether that the existing delegations in place are automatically faulty or in need of revocation in the absence of a considered judgment

v) consider that it is not clear, based on the information provided, what problem the Department of Conservation is trying to fix, or what the benefit to local reserves and communities will be if the current delegations were revoked

vi) consider that the Department of Conservation needs to seriously consider whether they are adequately resourced to give effect and to implement the delegations in a timely and efficient manner, as the reason the delegations were made was to provide timely and efficient decision-making

vii) express the concern regarding the expected delay that will eventuate as a result of revoking delegations, noting that a one-year delay is common and a three-year delay is not unheard of when working with the Department of Conservation in relation to current Reserves Act 1977 decision-making

viii) submit that a pragmatic approach needs to be taken to the handling of delegations in light of current Department of Conservation resourcing, the capability of territorial authorities, and existing checks and balances in the process, before any revocations are confirmed

ix) note that, in the Auckland context, there is already a two stage approach to decision making under the Reserves Act 1977 with the following decisions delegated to local boards and then confirmed via the Reserves Act delegations by the Governing Body (exercised, in practice, by staff):

A) approval of Reserve Management Plans
B) classification of reserves
C) the change of classification or purpose of a reserve
D) declaration of land vested in council to be a reserve
E) exchange of reserves for other land
F) granting of rights of way and other easements
G) powers (other than leasing) in respect of reserves
H) leasing of reserves
x) consider that the revocation of the current delegations will put local decision making at risk and create the perverse scenario where decisions normally made by Auckland Council will need to be approved by central government staff in Hamilton, Wellington or Christchurch
xi) express its concern that there is likely to be an increased cost to council (and therefore to the ratepayers of Auckland) if the revocations are made given the Department of Conservation’s cost recovery model
xii) recommend that the Minister and the Department of Conservation work to update the Reserves Act 1977 to better reflect the present day balance of resourcing and capability, noting that 80 per cent of Auckland reserves are owned by Auckland Council with no contribution from central government and this proposal has raised questions about the extent to which decision making under the Reserves Act 1977 is still fit for purpose
xii) recommend that the Minister and the Department of Conservation seriously consider a review of the Reserves Act 1977 to meet modern day requirements and a detailed analysis of the decision making required for reserves and their management.
Memo

To: Nina Siers – Relationship Manager Howick Local Board
From: Vanessa Phillips – Democracy Advisor Howick
Subject: Urgent decision request of the Howick Local Board

Purpose
The purpose of this memo is to initially 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 information, 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 attachments 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 Ministerial delegations which are currently made to territorial authorities under the Reserves Act 1977.

The Howick Local Board’s next scheduled business meeting is Monday 20 May 2019.

The case for an urgent decision is due to the need for local board input into the Auckland Council submission to be made by 24 April 2019, prior to the next business meeting. This deadline exists to allow the input to be considered 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.

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 appended 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 far reaching time and cost implications.

The urgent decision will be reported to the full local board during the next scheduled meeting on Monday 20 May 2019.

Decision sought from the chair and deputy chair (or any person acting in these roles)
That the Howick Local Board:

a) endorse the proposed Auckland Council submission (Attachment A) to the Department of Conservation on the proposed revocation of certain delegations to Territorial Authorities under the Reserves Act 1977.

b) note that the proposed Auckland Council submission will be recommended to Environment and Community Committee for their approval on 14 May 2019 and subject to any amendments recommended by the committee sent to the Department of Conservation by the due date of 17 May 2019.
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 as (Attachment B).

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. 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
Attachment A – Proposed submission to the Department of Conservation on the proposed revocation of certain delegations to Territorial Authorities under the Reserves Act 1977.
Attachment B – Letter from Planning, Permissions and Land Direct, Department of Conservation, and table of proposed delegations for revocation

Authorisation of the urgent decision-making process

Signed by Nina Siers
Relationship Manager, Howick Local Board Date 23 April, 2019

Approval to use the urgent decision-making process

David Collings
Chairperson, Howick Local Board Date 23 April, 2019

Katrina Bungard
Deputy Chairperson, Howick Local Board Date 23 April, 2019
Howick Local Board Resolution/s
That the Howick Local Board:

a) endorse the proposed Auckland Council submission (Attachment A) to the Department of Conservation on the proposed revocation of certain delegations to Territorial Authorities under the Reserves Act 1977.

b) note that the proposed Auckland Council submission will be recommended to Environment and Community Committee for their approval on 14 May 2019 and subject to any amendments recommended by the committee sent to the Department of Conservation by the due date of 17 May 2019.

David Collings  
Chairperson, Howick Local Board  
Date 23 April 2019

Katrina Bungard  
Deputy Chairperson, Howick Local Board  
Date 23 April 2019
For Action

MEMO TO: Emma Golightly - Team Leader - Parks and Recreation Policy
COPY TO: Jacinda Short - Democracy Advisor - Kaipatiki
FROM: Jacinda Short - Democracy Advisor - Kaipatiki
DATE: 24 April 2019
MEETING: Kaipatiki Local Board Meeting of 17/04/2019

Please note for your action / information the following decision arising from the meeting named above:

Department of Conservation proposal to revoke Reserves Act 1977 delegations

FILE REF CP2019/05498
AGENDA ITEM NO. 19

1 Department of Conservation proposal to revoke Reserves Act 1977 delegations
9

Eric Perry, Relationship Manager, Local Board Services, was in attendance to address the board in support of this item.

A document titled ‘Draft submission for feedback – Department of Conservation proposal’ was tabled. A copy of the tabled document has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

MOVED by Deputy Chairperson D Grant, seconded by Chairperson J Gillon:

That the Kaipatiki Local Board:

a) recommend that no decision on the proposed changes to the Reserves Act 1977 Ministerial delegations be made until the appeal of the Opua Coastal Preservation Inc v Far North District Council [2019] NZCA 292 decision to the Supreme Court has been completed;

b) provide the following feedback on the Auckland Council Proposal on the revocation of certain delegations to territorial authorities under the Reserves Act 1977 submission:

i) conditionally support the council’s position to not support the proposal to revoke 44 of the 50 Ministerial powers within the Reserves Act 1977, delegated to local authorities, subject to the following:

1. all decision-making for local parks and reserves is allocated to local boards, and that the allocated decision-making under the Parks, Community and Lifestyle’ activity for the Governing Body with respect to parks be amended to read ‘acquisition and divestment of all park land, including the disposal of surplus parks, contingent upon receiving approval from the affected local
board(s) for disposal prior to decision-making by the Governing Body.'

2. transparency between the Governing Body and Local Board is increased to ensure that decisions are made in line with the delegations as outlined in the Governance Framework Review;

   ii) supports the following submission points:

   1. that substantive justification for the proposed revocation of delegations has not been proven, and a clear identification of the problems exercising dual delegations by councils under the Reserves Act 1977 is lacking;

   2. that the proposed revocation of delegations will undermine local decision-making and community outcomes and it would be a backwards step to undo decision-making at the local level for local communities;

   3. that the proposed revocation of delegations will add significant delays to all Reserves Act 1977 processes, and council's ability to be responsive to communities will be severely impacted;

   4. that the revocation of delegations will mean that the Minister of Conservation (or delegate) will largely focus on whether procedural steps were followed, and decision-making would be undertaken with little understanding of local issues;

   iii) request the addition of the following submission point:

   1. that the costs associated with the Department of Conservation’s processing of applications has not been stipulated, and therefore it is unclear how this will impact on Auckland Council ratepayers and project budgets;

   iv) note that it is premature to justify changes to the Reserves Act 1977 Ministerial delegations, as they are based on comments made by the Court of Appeal in its decision of Opua Coastal Preservation Inc v Far North District Council [2018] NZCA 262, and this case has also been appealed to the Supreme Court;

   v) recommend a full review of the Reserves Act 1977, rather than an update of the Reserves Act Guide 2004, as noted in the council submission;

   vi) support other key points highlighted in the council submission, which include:

   1. council has significant experience exercising its responsibilities and delegations under the Reserves Act 1977;

   2. council has invested in processes, systems and practices to allow robust dual decision-making, while managing any potential or actual conflicts of interest;

   3. the Ministerial delegations are essential for council to manage the enormous scale and volume of decisions that are required for the effective and efficient administration of reserves, as required under the Reserves Act 1977.
A division was called for, voting on which was as follows:

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<tr>
<th>For</th>
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<th>Abstained</th>
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<td>Chairperson J Gillon</td>
<td>Member A Hartley</td>
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<td>Member P Gillon</td>
<td>Member K McIntyre</td>
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<td>Deputy Chairperson D Grant</td>
<td>Member A Smithson</td>
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<td>Member A Tyler</td>
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The motion was declared CARRIED by 4 votes to 3.

Attachments

A 17 April 2019 - Kaipātiki Local Board Business Meeting - Draft submission for feedback - Department of Conservation proposal

SPECIFIC ACTIONS REQUIRED:

Please note this is an updated action sheet with updated resolution numbers. Please action accordingly.
Item 8

Attachment D
Māngere-Ōtāhuhu Local Board

Copy of minutes from board business meeting held on 17 April 2019

25  Department of Conservation Proposal to Revoke Reserves Act 1977 Delegations

The submission to the Department of Conservation was tabled at the meeting. A copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

Resolution number MO/2019/1

MOVED by Deputy Chairperson W Togiamua, seconded by Member C O’Brien:

That the Māngere-Ōtāhuhu Local Board:

a)  endorse the Auckland Council submission tabled at the meeting to the Department of Conservation in the matter of the proposal on the revocation of certain delegations to territorial authorities under the Reserves Act 1977.

b)  note that within the Auckland Council decision making responsibilities, some Reserves Act powers have been delegated to local boards. These are:

   i.  declaring a reserve (s.14(1)),

   ii. classifying a reserve (s.16(1) or 16(2A)

   iii. reclassifying a reserve (24(1)), and

   iv.  proposing the revocation of reserve status (s.24(1)) in order to manage the land under the Local Government Act 2002

   c)  note that in addition to the delegated powers listed above, local boards have also been allocated responsibility for governance of local reserves in their local board areas. This means, local boards are charged with developing reserve management plans for local parks (s.41) and approving use of and activities within local reserves.

   d)  is concerned that revoking the existing Ministerial delegations will create delays in confirming decisions that we currently make. These delays and additional processes could undermine our ability to respond to community needs in a timely manner and ensure our plans are community-led and locally appropriate.

CARRIED

Attachments

A  17 April 2019 Māngere-Ōtāhuhu Local Board Item 25 Department of Conservation Proposal to Revoke Reserves Act 1977 Delegations - submission to the Department of Conservation
23.1 Extraordinary Business - Department of Conservation proposal to revoke Reserves Act delegations

A copy of the Department of Conservation proposal to revoke Reserves Act 1977 delegations report and a copy of the Auckland Council draft submission for feedback to the Department of Conservation on the proposal to revoke Ministerial delegations to Territorial Authorities under the Reserves Act 1977 were tabled at the meeting.

A copy has been placed on the official minutes and is available on the Auckland Council website as a minute attachment.

Resolution number OP/2019/52

MOVED by Chairperson L Fuli, seconded by Member D Trenberth:

That the Ōtara-Papatoetoe Local Board:

a) endorse the proposed Auckland Council submission to the Department of Conservation on the revocation of certain delegations to territorial authorities under the Reserves Act 1977.

b) note that within the Auckland Council decision making responsibilities, some Reserves Act powers have been delegated to local boards. These are:
   i. declaring a reserve (s.14(1)),
   ii. classifying a reserve (s.16(1) or 16(2A)
   iii. reclassifying a reserve (s.24(1)), and
   iv. proposing the revocation of reserve status (s.24(1)) in order to manage the land under the Local Government Act 2002.

c) note that in addition to the delegated powers listed above, local boards have also been allocated responsibility for governance of local reserves in their local board areas. This means, local boards are charged with developing reserve management plans for local parks (s.41) and approving use of and activities within local reserves.

d) is concerned that revoking the existing Ministerial delegations will create delays in confirming decisions that we currently make. These delays and additional processes could undermine our ability to respond to community needs in a timely manner and ensure our plans are community-led and locally appropriate.

CARRIED

Attachments
A 16 April 2019, Ōtara-Papatoetoe Local Board: Item 23.1 Extraordinary Business - Department of Conservation proposal to revoke Reserves Act 1977 delegations - report.

B 16 April 2019, Ōtara-Papatoetoe Local Board: Item 23.1 Extraordinary Business - Department of Conservation proposal to revoke Reserves Act 1977 delegations - draft submission for feedback.
Memo

24 April 2019

To: Emma Golightly, Team Leader, Parks and Recreation Policy

cc: Angela Dalton, Chairperson, Manurewa Local Board

From: Angela Dalton, Chairperson

Subject: Manurewa Local Board feedback on Auckland Council submission to the Department of Conservation regarding the proposal to revoke certain delegations under the Reserves Act 1977

1. The board does not support the proposal to revoke 44 of the 50 Ministerial powers within the Reserves Act 1977 that have been delegated to local authorities.

2. Under Auckland Council’s shared governance structure, local boards are the decision makers for all local parks. This proposal will remove decision making from the local community and place these decisions in the hands of central government staff who are not located within the Auckland region.

3. The board believes that revoking these delegations will result in delays to projects due to the additional time necessary to seek approval from the Minister, and additional costs to ratepayers due to additional processing charges incurred. These delays will place a restriction on the ability of local boards to respond to the needs, priorities and preferences of their communities.

4. We are also concerned that the decision to revoke these delegations has been taken precipitately. We agree with the view expressed in the council submission that it would be prudent to wait until there is an outcome of the appeal to the Supreme Court on the Opua decision before taking any actions on this issue.

5. The board’s view is that a wider review of the Reserves Act 1977 to ensure it is fit for purpose would be more beneficial than making ad hoc changes as a response to judicial comments which did not explicitly reach any conclusions about the current delegation.

6. For these reasons, we support the Auckland Council submission.

Angela Dalton, Chairperson
24 April 2019
On behalf of the Manurewa Local Board
Submission on the Department of Conservation's proposal to revoke certain Ministerial delegations to territorial authorities under the Reserves Act 1977
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

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<td>Report: <em>Department of Conservation proposal to revoke Reserves Act 1977 delegations.</em></td>
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<td>draft Auckland Council Submission to the Department of Conservation.</td>
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Authorisation of the urgent decision-making process

Signed by Victoria Villaraza
Relationship Manager, Maungakiekie-Tāmaki and Pukepapa Local Board  Date: 16/04/2019

Approval to use the urgent decision-making process

Chris Makore
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
Te take mō te pūrongo

Purpose of the report

1. Provide the local board with an opportunity to formally resolve its feedback to the proposal by the Department of Conservation to revoke powers delegated to territorial authorities by the Minister of Conservation under the Reserves Act 1977.

Whakarāpopototanga matua

Executive summary

2. The Department of Conservation has written to all territorial authorities (Attachment A) advising that due to a recent Court of Appeal decision (Opua Coastal Preservation Inc v Far North District Council) that the current Minister of Conservation, Hon Eugenie Sage, is considering revoking powers delegated to territorial authorities by the former Minister, Hon Dr Nick Smith in 2013 (Attachment A).

3. The reason provided for the majority of the proposed revocation is that under the current delegation, council makes its decision as the territorial authority and then reviews that decision under ministerial delegation. This is viewed as potentially putting council in a conflict of interest situation, as it is effectively reviewing its own decision(s).

4. This proposal has been reviewed by staff and a briefing was provided for local board members on Monday 8 April 2019 on the proposal. A draft submission will be prepared for feedback and circulated based on feedback and input from council departments and local boards. This draft will be circulated to members of the Environment and Community Committee and local board members for review and comment on 15 April 2019. There will be two drop-in sessions for elected members to provide in-person feedback on the draft submission.

5. A final draft submission will be prepared for approval by the Chairperson of the Environment and Community Committee prior to the due date of 26 April 2019. This draft response will need to be retrospectively adopted by the Environment and Community Committee on 14 May 2019.

6. Staff recommend local boards to provide formal feedback on the draft submission to the Department of Conservation’s proposal. Due to the short timeframes an urgent decision is required to do this as the due date for local board feedback is 19 April 2019, which is prior to the next Maungakiekie-Tāmaki Local Board business meeting on 23 April 2019.

7. This urgent decision will be noted at the boards’ next business meeting on 23 April 2019.

8. All formal local board feedback will inform and be attached to the Auckland Council submission, which will be lodged on behalf of the Environment and Community Committee.
Ngā tūtohunga
Recommendation/s
That the Maungakiekie-Tāmaki Local Board:

a) use an urgent decision to provide feedback on the Department of Conservation proposal to revoke current ministerial delegations to Auckland Council under the Reserves Act 1977, noting that feedback is required by the close of business on 18 April 2019.

Ngā tāpirihanga
Attachments

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<td>Letter and attachment from Department of Conservation to Chief Executive's territorial authorities</td>
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Ngā kaihaina
Signatories

| Authors         | Mal Ahmu – Local Board Advisor – Mngk-Tmnk |
| Authorisers     | Victoria Vilaraza – Relationship Manager |
Feedback from the Ōrākei Local Board on proposal to revoke Reserves Act delegations

1. Rationale for the Review

The Ōrākei Local Board generally supports the points made in the draft Auckland Council submission; in particular the point of needing to better justify the reason for the review. The proposal to revoke the Minister’s delegation seems reactive and rash, and the implications of revoking so many delegations on the basis of one Court of Appeal decision appear not to have been fully analysed.

2. Principle of decision-making at community level

In recent years there has been a move towards devolution of decision-making to those decision-makers closest to the communities who are affected by the decision. Wherever possible, decisions should be made at a local level.

The Auckland Council has a unique governance arrangement, as set out in the Local Government (Auckland Council) Act 2009. The Council is made up of the Governing Body and 21 Local Boards which have shared governance. The Governing Body has followed the devolution principle by providing and endorsing allocation tables for various council activities. This includes a general approach that decision-making on local parks is the responsibility of Local Boards. If this was extended to all decisions on local reserves, with the final approval being given by the Governing Body, the conflicts of interests or perceived conflicts of interest can be further minimised.

The proposed revocation of powers delegated to local councils will reverse decision-making at the local level. It will further distance local councils (and in Auckland’s case, Local Boards) from the accountability to and ability to work with their local communities. Local communities may not have the confidence that decision-makers and staff in centralised offices truly understand their locality, particular needs and type of community.

Decision-making on reserves is likely to become more costly and take longer unless DOC is substantially bolstered in its staffing and resources. DOC will become needlessly involved in local reserve management decisions and if there are delays and unnecessary bureaucratic processes involved Councils and community may prefer to take a do-nothing approach on reserves. Any new reserves created by or gifted to councils are and would become increasingly easier to manage under the Local Government Act 2002. However, this does not afford the same level of reserve protection as the Reserves Act. As it is, councils are already leaning towards holding new parks under the LGA as there is more flexibility in decision-making under the LGA than the Reserves Act. Perhaps this is the crux of the matter- that the Reserves Act is long-overdue for a review.

3. Delegations at Auckland Council

As mentioned above, reserves in Auckland are largely governed by local boards and on the whole communities have confidence that decisions about their parks are being made at a local level. This includes substantial investment in sportfield upgrades, path networks, ecological restoration and provision of community facilities.

Other decisions about parks, such as landowner approvals, event approvals and some resource consents decisions are delegated to staff. The Ōrākei Local Board has for some time requested a review of Auckland Council’s Governing Body delegations protocols which were approved at the end of 2012. It has been concerned that staff are making decisions which may be inappropriate either
because it has been delegated to them, as illustrated in the example in the next paragraph, or because staff are confused about them.

A serious example of this is that we are currently facing the potential divestment of a reserve due to staff determining it had become “non-service” and passing it on to an Auckland Council CCO, Panuku Development Auckland, for “rationalisation”. This occurred with no consultation with the Ōrākei Local Board – the governors of that reserve, according to the Governing Body’s own allocation tables. We are now reliant on the official process starting under the Reserves Act, to revoke that reserve’s status and the public consultation that is required, to hopefully be able to retain the reserve, which is what the local community wants.

If this type of activity has been of concern to the Minister then we support the revocation of the relevant delegations to prevent the start of the process to dispose reserves, which are community assets and need to follow due process, including early consultation with the community.

We also recognise DOC’s concern that it is inappropriate for one authority to be planner, manager and decision-maker at a number of levels. Rather than revoke all the delegations as proposed, we suggest identifying where these roles are most critical and potentially passing the final sign-off of the process back to the Minister, as used to be the case with classification and management plans.

4. Management Plans

A reserve management plan is an essential tool for each and every reserve. Many councils have fallen behind in developing management plans and reviewing existing management plans as the process is costly and time-consuming. However, a current management plan beds in good direction as to what is allowed and not allowed on a park and assists with forward planning and funding. If the process of developing a management plan can be streamlined, e.g. Auckland Council’s omnibus management plans which cover a number of reserves in a given area, there should be the confidence within the Department of Conservation and within the community that appropriate decisions will be made for the reserves by the local council. Management plans should be developed for all reserves, whether held under the Local Government Act or the Reserves Act, and all should ultimately be signed off by the Minister.

5. Concerns if delegations are revoked as proposed

If the proposed revocation of delegations proceeds, Ōrākei Local Board has a number of concerns and questions regarding how future decisions will be resourced and carried out:

1. Because DOC has been restructured, downsized and centralised over the years, much of the expertise on reserves now sits within local authorities. This has the benefit that decisions about reserves are well considered locally in terms of local community needs, geography and culture. The decisions also take into account the wider parks network where facilities and space are shared by local residents, and a variety of sporting codes and local interest groups. These days much of the weed and pest control is undertaken by local environmental care groups, which also assist councils in planning for aspects of the reserve for the benefit of existing and future communities. We don’t believe that this will be as easily achieved if the administration and decision-making is made at remote, centralised locations.

2. These changes, if implemented, will inevitably require additional resources within DOC but there is no explanation provided as to how DOC will be resourced to manage the very
significant additional workload and cost. Currently, many Councils absorb much of the cost of the decisions made with respect to proposed activities on reserve land. However, if the new regime incurs external cost (whether by way of administration fee or otherwise) charged by DOC, who will pay? Would an applicant for a new lease for example be expected to pay all the lease processing costs? Would any other costs be passed on to the community, i.e. local ratepayers?

3. Under the proposal we anticipate that there will be issues with the time it will take to process approvals and the timeliness of decisions, especially if staff resourcing within DOC is not substantially increased. It is difficult to see that removing the delegations will not result in even greater delays to applicants and councils than were previously experienced.

4. Clarity is needed as to when any proposed new regime might come into force, and the impact of that on processes currently underway. The Ōrākei Local Board is about to embark on an omnibus management plan process for all reserves in its local board area. The management plans are long-overdue and because of a number of land tenure issues that the Board is dealing with, it wants to begin this work as soon as possible.

5. As mentioned above, Ōrākei Local Board highlights the implications of this review for Auckland Council’s particular governance arrangements, where decision-making on local parks largely lies with local boards. There are other regimes that must also be considered, namely
   - reserves governed by specific Acts of Parliament, such as Vellenoweth Green, Auckland Domain, etc
   - Reserves governed by the Ngāti Whātua Reserves Board and the Tūpuna Maunga o Tāmaki Makaurau
   - Reserves under co-governance arrangements such as Parakai Domain, Helensville.

6. Review of the Reserves Act 1977

The Ōrākei Local Board suggests that rather than revoke the delegations, a more comprehensive review of the Reserves Act is needed. The Reserves Act is more than forty years old. Its provisions need to align better with more recent legislation change such as various amendments to the Local Government Act 2002, in particular the Local Government (Auckland Council Act) 2009, the Resource Management Act 1991 and the Heritage New Zealand Pouhere Taonga Act 2014.

The Board suggests that greater protection of reserves is needed in some cases, and the streamlining of some processes could occur such as the preparation of management plans so that these are in place for ALL reserves whether held under the Reserves Act or the Local Government Act.

The existing delegation regime can be made more robust by redrafting the existing supporting Ministerial directions to reflect that Councils may request that the decision be made by the Minister or the Departmental delegate. On the other hand, the Ōrākei Local Board was concerned to learn earlier this year that delegation could be taken up by councils to override the provisions of the Reserves Act and decide that freedom camping could be accommodated on reserves. This provision has not only upset our local communities, it has removed Local Board decision-making on local reserves for this particular activity.

7. Recommendations
1. Rather than revoke the delegations, as proposed, take a more comprehensive review of the Reserves Act to bring it up to date with how reserve administration and management currently operate, align it with more recent legislation and strengthen certain provisions to afford greater protection to open space.

2. In the meantime, retain the delegations for non-Crown derived reserves. Retain any others which have recently been through a public notification process under the Reserves Act.

3. Investigate how the delegations are undertaken within local authorities and provide some control on if and when decision-making can be further delegated to council staff.

4. Examine reserve management plans as the mechanism to provide more robust direction about what can and can't be provided on reserves, allowing councils to develop these with their communities and requiring final approval by the Minister. This may be a way of rationalising some of the delegations.

5. The Minister should logically examine the delegations in relation to:
   - Approval of Reserve Management Plans
   - Classification of reserves
   - The change of classification or purpose of a reserve
   - Declaration of land vested in council to be a reserve
   - Exchange of reserves for other land
   - Granting of rights of way and other easements
   - Powers (other than leasing) in respect of reserves
   - Leasing of reserves.

In doing so, the Minister needs to be mindful of the different local governance arrangements in Auckland, where local boards share the governance role with the Governing Body, the two parties forming Auckland Council.
Papakura Local Board Feedback on the revocation of certain delegations to Territorial Authorities under the Reserves Act 1977

Background

In June 2013, the Minister of Conservation delegated certain powers under the Reserves Act 1977 (the 2013 delegations) to territorial authorities. Over the past year or so there have been instances where territorial authorities have relied on the delegations to exercise the prior consent role of the Minister in circumstances where they have also made the initial decision to grant the instrument or activity applied for.

In a recent Court of Appeal decision, (Opua Coastal Preservation Inc v Far North District Council) the court considered a delegation of the Minister’s prior consent role under s 48 of the Reserves Act 1977 to be “highly unusual”. The Court commented that it could be argued that it replaced a two-step process involving two separate decision makers (the Council and the Minister) with a single-step process and a single decision maker. The Court noted that the effect of the delegation was that the Council made both decisions contemplated by s 48(1)(f) of the Reserves Act and observed that “It might be thought that in these circumstances any difference of view between the two decision makers is unlikely”. The Court did not rule on the legality of the delegation because the Appellant had not pursued the matter. Nevertheless, it seems that had the lawfulness of the delegation been in issue the Court would have ruled it to be unlawful.

In light of the above, the Department of Conservation has undertaken a review of the 2013 delegations. It would appear some delegations are potentially unlawful and would put Councils in a position of conflict of interest, for example:

a) Those where a Council makes its own decision and then acts under delegation to exercise the prior consent role of the Minister

b) Those where the Minister’s power to carry out certain actions has been delegated to Councils, including a requirement for the Minister to consult with a Council before exercising the power. In this situation, a Council would end up consulting with itself.

In view of the above, the Minister of Conservation is considering a proposal whether to revoke certain delegations and has requested that the Department seek feedback before the Minister makes a decision.

This is also an opportunity to identify any new delegation proposals that the board believe would improve efficiencies for Councils for the Minister to consider.

Papakura Local Board feedback

1. The Papakura Local Board support the points made in the Auckland Council submission on the proposal to revoke 44 of the 50 Ministerial powers within the Reserve Act 1977 delegated to local authorities.

2. The Papakura Local Board does not support the proposal to revoke 44 of the 50 Ministerial powers within the Reserves Act 1977 delegated to local authorities.

3. The board believe there would be a significant financial impact to projects, housing, park management and ratepayers with estimates of between $2,000 - $3,000 per decision (noting sometimes costs would be higher depending on the complexity of the application).
4. The board also has a concern that the Department of Conservation is not equipped to deal with the volume or breadth of applications in a timely manner.

5. The board takes its role seriously in relation to the protection of reserves, particularly with the significant amount of development happening around the area.

6. The Papakura Local Board notes that 80% of the parks and reserves in Papakura will be affected by the revocation of delegations.

7. The board notes the Reserves Act has been in place since 1977 and was drafted at a time where government departments were resourced to administer the Act.

Brent Catchpole
Chairperson
Papakura Local Board

Felicity Auva'a
Deputy Chairperson
Papakura Local Board

Date: 17 April 2019
25 Department of Conservation proposal to revoke Reserves Act 1977 delegations

Resolution number PKTPP/2019/51

MOVED by Chairperson H Doig, seconded by Member A-M Coury:

That the Puketāpapa Local Board:

a) note that amongst other things the purposes of the Reserves Act 1977 is in:
   i) providing for the preservation and management of areas for the benefit and
e enjoyment of the public
   ii) ensuring, as far as possible, the preservation of access for the public

a) note also that the Act has the following objectives:
   i) emphasise retention of open space for outdoor recreation
   ii) maximise freedom of access to reserves for all people rather than just a few
   iii) encourage multiple use of reserve land and facilities when feasible and appropriate
   iv) facilitate greater involvement of the public in reserves administration and decision-
making.

b) support the purposes and objectives of the Reserves Act 1977 and any delegations made
   by the Department of Conservation and internal council processes that enable Local
   Boards and their communities to further these purposes and objectives

c) endorse Auckland Council’s submission to the Department of Conservation on the
   revocation of certain delegations to territorial authorities under the Reserves Act 1977
   where it points out that:
   i. the department has provided no substantive justification for the proposal
   ii. the department appears to have based its proposal on a comment made by the Judge
       In the decision of Opua Coastal Preservation Inc v Far North District Council [2016]
       NZCA 282, a decision that has been appealed to the Supreme Court, meaning that
       changes at this time are somewhat premature;" 

d) urge the Governing Body to circulate Auckland Council’s submission to other local
   authorities.

CARRIED
24 Department of Conservation proposal to revoke Reserves Act 1977 delegations

Resolution number RD/2019/1

MOVED by Chairperson B Houl Brooke, seconded by Member B Bailey:

That the Rodney Local Board:

a) provide the following feedback on the Department of Conservation proposal to revoke current ministerial delegations to Auckland Council under the Reserves Act 1977:

i. does not support the proposal to revoke 44 delegations granted by the Minister for Conservation under the Reserves Act 1977

ii. note that the Reserves Act 1977 was drafted when central government had considerably more staff and expertise available to give effect to the Act

iii. further note that the Court of Appeal in Opua Coastal Preservation Society v Far North District Council was not directly asked to look at the matter of delegations under the Reserves Act 1977 as the point was not pursued by the appellant, and therefore the commentary by the court was an observation not a considered judgment

iv. recommend that the Department of Conservation re-assess whether the existing delegations in place are automatically faulty or in need of revocation in the absence of a considered judgment

v. consider that it is not clear, based on the information provided, what problem the Department of Conservation is trying to fix, or what the benefit to local reserves and communities will be if the current delegations are revoked

vi. consider that the Department of Conservation needs to seriously consider whether they are adequately resourced to give effect and to implement the delegations in a timely and efficient manner, as the reason the delegations were made was to provide timely and efficient decision-making

vii. express its concerns regarding the expected delay that will eventuate as a result of revoking these delegations, noting that a one year delay is common and a three year delay is not unheard of when working with the Department of Conservation and Reserves Act 1977 decision making

viii. submit that a pragmatic approach needs to be taken to the handling of delegations in light of current departmental resourcing, the capability of territorial authorities, and existing checks and balances in the process, before any revocations are confirmed

ix. note that, in the Auckland context, there is already a two stage approach to decision making under the Reserves Act 1977 with the following decisions delegated to local boards and then confirmed via the Reserves Act 1977 delegations by the Governing Body (exercised, in practice, by staff):

A. approval of Reserve Management Plans

B. classification of reserves

C. the change of classification or purpose of a reserve

D. declaration of land vested in council to be a reserve

E. exchange of reserves for other land

F. granting of rights of way and other easements

G. powers (other than leasing) in respect of reserves
H. leasing of reserves

x. consider that the revocation of the current delegations will put local decision making at risk and create the perverse scenario where decisions normally made by Auckland Council will need to be approved by central government staff in Hamilton, Wellington or Christchurch

xi. express its concern that there is likely to be an increased cost to council (and therefore to the ratepayers of Auckland) if the revocations are made given the Department of Conservation’s cost recovery model

xii. recommend that the Minister and the Department of Conservation work to update the Reserves Act 1977 to better reflect the present day balance of resourcing and capability, noting that 80 per cent of Auckland reserves are owned by Auckland Council with no contribution from central government and this proposal has raised questions about the extent to which decision making under the Reserves Act 1977 is still fit for purpose

xiii. recommend that the Minister and the Department of Conservation seriously consider a review of the Reserves Act 1977 to meet modern day requirements and a detailed analysis of the decision making required for reserves and their management.

CARRIED
17 Department of Conservation proposal to revoke Reserves Act 1977 delegations

The Relationship Manager, Local Board Services, was in attendance to support the item.

A copy of the "Draft submission on the revocation of certain delegations to Territorial Authorities under the Reserves Act 1977" was provided. A copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

MOVED by Chairperson M Miles, seconded by Member J McLean:

That the Upper Harbour Local Board:

a) receive the draft Auckland Council submission to the Department of Conservation (DOC) proposal on the revocation of certain delegations to territorial authorities under the Reserves Act 1977, noting that the Environment and Community Committee will be retrospectively endorsing council's submission at its May 2019 business meeting.

b) support council's draft submission on the Department of Conservation (DOC) proposal, and specifically support the following aspects which have been included in the submission:

i. that the DOC proposal lacks a clear identification of the problems created by territorial authorities in exercising dual delegations under the Reserves Act 1977, and the local board supports the view that revocation of these delegations will likely undermine local decision-making and community outcomes

ii. that revocation of Ministerial delegations will likely add additional costs and significant delay to all Reserves Act processes, which could severely impact council's ability to be responsive to communities and the changing needs of residents, which could lead to a decline in resident trust and confidence in both local and central government

iii. that DOC is seeking to take action in response to the Opua Coastal Preservation Inc v Far North District Council (2018) decision, yet the court did not reach a conclusion on the lawfulness of the dual decision-making process as part of its ruling, noting that the Opua decision has been appealed to the Supreme Court which could make any changes to Ministerial delegations premature

iv. that revocation of Ministerial delegations would undermine the primary outcomes sought from improved delegation under the Reserves Act 1977, in that it would be a backwards step to unwind decision-making at the local level and will serve to disempower local communities, thereby creating a risk that the proposed changes will reduce council's ability to deliver a range of health, well-being and social outcomes as identified in the Auckland Plan and local board plans

v. that the DOC proposal is silent on how the department intends to resource the significant volume of work required to process decisions in relation to reserve management plans, reserve classification, land exchanges, easements and leases / licences, and expresses concern that these issues will be exacerbated in Auckland due to the rate of growth and the high number of infrastructure projects that require management under the Reserves Act 1977, particularly given that the Auckland region is home to over 4000 parks and reserves comprised of over 18,000 parcels of land.

c) note that there is a proven record of successful decision-making with regard to Auckland Council reserves that includes liaison with local communities, so therefore the board believes there is no justification to change the current Ministerial delegation to local
A division was called for, voting on which was as follows:

For
Member J McLean
Chairperson M Miles
Member B Neeson

Against
Member N Mayne

Abstained
Member U Casuri Balouch

The motion was declared CARRIED by 3 votes to 1

Attachments
A. 18 April 2019 Upper Harbour Local Board: Item 17 - Draft submission on the revocation of certain delegations to Territorial Authorities under the Reserves Act 1977
We only finished the board meeting a couple of minutes ago so haven’t completed the minutes process yet, but I thought it better to send things through sooner, rather than later.

Many thanks.

Andy

---

Andy Roche | Advisor
Local Board Services
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Memorandum

April 2019

To: Penny Hulse, Chair, Environment and Community Committee
    Alf Filipaina, Deputy Chair, Environment and Community Committee

Cc: Sonja Tomovska, Governance Advisor
    Emma Golightly, Team Leader, Parks and Recreation Policy
    All Waitematā Local Board members

Subject: Feedback on the Department of Conservation’s proposed revocation of certain delegations to Territorial Authorities under the Reserves Act 1977

From: Waitematā Local Board

Purpose

1. To provide Waitematā Local Board’s feedback on the Department of Conservation’s proposed revocation of certain delegations to Territorial Authorities under the Reserves Act 1977.

Summary

At its April 2019 business meeting, the Waitematā Local Board resolved:

Resolution number WTM/2019/60

MOVED by Chairperson P Coom, seconded by Deputy Chairperson S Chambers:

That the Waitematā Local Board:

a) delegate authority to the Waitematā Local Board Chair and Member D Roche to provide formal feedback by 18 April 2019 on behalf of the local board in relation to the Department of Conservation proposal to revoke most Ministerial delegations to Territorial Authorities under the Reserves Act 1977.

The Waitematā Local Board:

a) recommends that no decision on the proposed changes to the Reserve Act 1977 Ministerial delegations be made until the appeal of the Opua Coastal Preservation Inc v Far North District Council [2018] NZCA 262 decision to the Supreme Court has been completed.

b) supports the council’s position to not support the proposal to revoke 44 of the 50 Ministerial powers within the Reserves Act 1977, delegated to local authorities.

c) supports the following submission points:

i. that substantive justification for the proposed revocation of delegations has not been proven, and a clear identification of the problems exercising dual delegations by councils under the Reserves Act 1977 is lacking
that the proposed revocation of delegations will undermine local decision-making and community outcomes and would be a backwards step to undo decision-making at the local level for local communities.

that the proposed revocation of delegations will add significant delays to all Reserves Act 1977 processes, and council's ability to be responsive to communities will be severely impacted.

that the revocation of delegations will mean that the Minister of Conservation (or delegate) will largely focus on whether procedural steps were followed, and decision-making would be undertaken with little understanding of local issues.


e) supports other key points highlighted in the council submission, which include:

i. council has significant experience exercising its responsibilities and delegations under the Reserves Act 1977

ii. council has invested in processes, systems and practices to allow robust dual decision-making, while managing any potential or actual conflicts of interest

iii. the Ministerial delegations are essential for council to manage the enormous scale and volume of decisions that are required for the effective and efficient administration of reserves, as required under the Reserves Act 1977.

Context/Background

2. A letter dated 14 March 2019 has been received from the Department of Conservation addressed to all Territorial Authorities seeking feedback on a proposal to revoke most Ministerial delegations currently delegated to councils under the Reserves Act 1977.

3. The Department has provided no substantive justification for the proposal.

4. The Department is seeking to justify changes to Ministerial delegations based on comments made by the Court of Appeal in its decision of Opua Coastal Preservation Inc v Far North District Council [2018] NZCA 262. The Department has expressed a view of the case that:

- some of the existing Ministerial powers delegated to a council could be potentially unlawful
- councils could have a conflict of interest when they make a decision and then use the delegated Ministerial powers
- the requirements for the Minister to consult with the council, may mean that council consults with itself, which is potentially another conflict of interest.

5. There is concern that the Department is seeking to take action in response to the Opua decision, yet the court did not reach a conclusion on the lawfulness of the dual decision-making process in this case. The Department, in undertaking this review, expressly acknowledges that the Court may have decided about the legality of the delegation of Ministerial powers had the Court considered it.
6. The Opua decision has been appealed to the Supreme Court, which could make any changes premature.

7. Delegation of Ministerial powers to local authorities under the Reserves Act 1977 have taken place since 1999. This was intended to deliver three primary outcomes:
   - devolution of a high level of decision-making to local authorities
   - greater flexibility in the approach to reserves management
   - standardisation and updating of process and terminology.

8. Further delegation of the Ministerial powers to local authorities in 2013 sought to allow for improved decision-making at a local level. It also recognised that the Ministerial powers were supervisory to ensure compliance with the requirements of the Act.

9. The council does not support any proposal that will undermine the primary outcomes sought from improved delegation under the Act. It would be a backwards step to unwind decision-making at the local level and to disempower local communities. There is also a risk that the proposed changes will reduce our ability to deliver a range of health, wellbeing and social outcomes under the Auckland Plan for our communities.

10. It is essential that council have the most efficient and effective decision-making processes. This enables the council to provide accessible services, social and cultural infrastructure that are responsive to Aucklanders diverse and evolving needs.

11. The Ministerial delegations are essential to manage the enormous scale and volume of decisions that are required for the effective and efficient administration of reserves, as required under the Reserves Act 1977.

12. The continually evolving processes and systems that council has had in place to implement the delegations since 1999 has ensured that council can deliver effective service for our local communities under the Reserves Act 1977.

Next Steps:

13. Local board feedback will be considered as part of the final submission and will be reported to the Environment and Community Committee meeting on 14 May 2019.

14. The final response deadline to DOC has been extended to 17 May 2019.
Memorandum

18 April, 2019

To: Emma Golightly - Parks and Recreation Team Leader, Community and Social Policy

Cc: Dr Carol Stewart – Senior Policy Advisor, Local Board Services

Subject: Whau Local Board feedback on DOC proposal to revoke Reserves Act delegations

From: Mary Binney, Senior Local Board Advisor

Purposes

1. To provide the informal feedback of the Whau Local Board to those preparing Auckland Council’s Submission to the Department of Conservation (DOC) on the proposed revocations of delegations around reserves.

Context/Background

2. Local Boards have been invited to give feedback on the Department of Conservation’s proposal to revoke Reserves Act delegations.

3. The Whau Local Board is happy to provide the following feedback, noting that the board has not had sufficient time to consider in detail the potential impacts of the proposal and has not adopted a collective view or resolved its feedback.

4. The Whau Local Board is disappointed at the tight deadlines associated with this process and the lack of advice around specific impacts of the proposal for Auckland Council’s 21 local boards, noting that under Auckland Council’s Governance Structure local boards are the decision makers for local parks.

Local Board feedback

5. The Whau Local Board notes that there are some potential benefits associated with the proposed revocations in terms of ensuring a high level of protection for Auckland’s reserves.

6. The local board also acknowledges the issues with the current delegations as set out in the information provided by DOC around local authorities being able to exercise the powers of the Minister of Conservation (including prior consent) under their own delegations. The local board understands that these types of decisions were intended, under the Reserves Act 1977, to be made by two separate agencies and that this system of checks and balances may be to some extent undermined by the current delegations.

7. The Whau Local Board also notes concerns about the proposal, around:
   - lack of clarity from the information provided as to why DOC is seeking these revocations and what the overarching benefit to our reserves and communities will be with the proposed change; and
   - potential for delays associated with the additional time required to seek approval from central government.

8. Given that the Whau Local Board has had insufficient time to discuss and arrive at an agreed position on this subject, the opportunity was provided to members to include their individual comments. Only Member Catherine Farmer made individual comments for inclusion as follows:
   - “There needs to be a separation of powers so that the consulting/revoking body is not also the landowner directly benefiting from any revocation decision. For this reason I fully support DOC’s proposal to revoke the delegations under the Reserves Act currently given to all Territorial Local Authorities.”
Proposed Margan Reserve land exchange

File No.: CP2019/03933

Te take mō te pūrongo
Purpose of the report
1. To make a final decision on the proposed land exchange at Margan Avenue, New Lynn, under the Reserves Act 1977.

Whakarāpopototanga matua
Executive summary
2. To enable a decision about whether to proceed with a proposed exchange of part of Margan Reserve, the Regulatory Committee appointed an independent commissioner to hear submitters and to make a recommendation to council.
3. A total of 83 submissions were received. Of these, six supported the proposed land exchange while 77 were opposed to it.
4. The main objections to the proposed land exchange were in relation to the loss of trees, in particular pohutukawa trees.
5. Staff recommend that the Environment and Community Committee accept the commissioner’s recommendations and decline the proposed land exchange. This is based on the commissioner’s advice that the amenity and green space function of Margan Reserve may be compromised by the land exchange.
6. There is a low risk of a judicial review of council declining the proposed land exchange. This has been mitigated by following the statutory requirements of the Reserves Act 1977.
7. The decision of the Environment and Community Committee on the proposed land exchange will be communicated to the applicant, submitters and the Whau Local Board.

Ngā tūtohunga
Recommendation/s
That the Environment and Community Committee:

a) note the independent commissioner’s recommendation was to decline the proposed land exchange at Margan Avenue, New Lynn as presented in Attachment A of the agenda report

b) decline the proposed land exchange under section 15(2) of the Reserves Act 1977 of 295m² of Margan Reserve, New Lynn (Pt Lot 1 DP 122011) for 295m² of adjacent land at 5 Clinker Place (Pt Lot 2 DP 122011).

Horopaki
Context
Council sought public submissions on the proposed land exchange

8. In August 2018, the Environment and Community Committee approved the notification of a proposed exchange of 295m² of Margan Reserve with private land under section 15(2) of the Reserves Act 1977 [ENV/2018/102 refers].
9. Figure 1 below illustrates the two land parcels that were proposed to be exchanged.

**Figure 1: The proposed area of Margan Reserve to be exchanged**

10. The land exchange was expected to have positive benefits to the community including:

- enabling a fragmented piece of Margan Reserve to be incorporated into a larger strip along Margan Avenue
- providing a road, pedestrian and cycle connection from Margan Avenue to New Lynn centre and the train station.

11. The proposed land exchange was publicly notified, and the consultation period closed on 16 November 2018.

77 submitters opposed the land exchange and nine submitters requested to present at a hearing

12. A total of 83 submissions were received. Of these, six supported the proposed land exchange while 77 were opposed to it.

13. The main objections to the proposed land exchange were in relation to the loss of trees, in particular pohutukawa trees.

14. Nine of the submitters requested to present evidence in support of their submission at a hearing. Section 120 of the Reserves Act 1977 outlines the right of an objector to request, in writing, to present in support of their submission at a hearing.

An independent commissioner was appointed to hear submissions

15. In February 2019, the Regulatory Committee appointed an independent commissioner to hear submissions and to make a recommendation to the Environment and Community Committee [REG/2019/5 refers].

16. The hearing commenced on 8 March 2019 and five submitters presented evidence in support of their submissions.

17. Following the hearing, the independent commissioner outlined his recommendations in a report (Attachment A refers).
Tātaritanga me ngā tohutohu
Analysis and advice

18. The Environment and Community Committee can choose to accept the independent commissioner’s recommendation to decline the proposed land exchange. It can also decide to proceed with the proposed land exchange.

Decline the proposed land exchange

19. The commissioner’s view is that the amenity and green space function of Margan Reserve may be compromised by the land exchange.

20. The commissioner noted that Margan Reserve continues to fulfil its original purpose, which is to provide an amenity and green space function. The mature trees and understory, treasured by a number of submitters, have amenity values.

21. Compromising the values of the reserve and removing trees to provide a road, pedestrian and cycleway was not considered sufficient grounds by the commissioner to recommend the proposed land exchange.

22. The option to decline the proposed land exchange follows the recommendation of the commissioner.

23. On balance, staff recommend the Environment and Community Committee accept the recommendations of the independent commissioner and decline the proposed land exchange as it will:
   • retain the purpose and amenity value of Margan Reserve
   • align with those members of the local community who opposed the land exchange.

Proceed with the proposed land exchange

24. Proceeding with the proposed land exchange is an option as there are positive benefits for the community. The open space configuration that would result from the proposed land exchange was deemed to be a high priority when assessed against council policy. The proposed land exchange would:
   • meet community needs by facilitating improved physical access between Margan Avenue to New Lynn and the transport hub
   • improve the connectivity of the network of open space walkways throughout the area
   • connect a small, fragmented piece of the reserve to a wider and continuous strip.

25. It is noted that the commissioner’s report did not mention the benefits of the proposed land exchange against council policy.

26. Proceeding with the proposed land exchange would deliver community open space benefits as well as contributing to the development of the adjacent site. The trade-off would be the loss of some amenity through a reduced number of trees on the site. The commissioner has outlined the amenity loss in their recommendations.

27. There is a medium risk that not accepting the recommendations of the independent commissioner would result in a judicial review.

Margan Reserve classification

28. The commissioner recommended that Margan Reserve be formally classified under the Reserves Act 1977, as it is an unclassified reserve. This would enable any future land exchange to also be considered with any Resource Management Act 1991 processes and decisions.

29. There are many unclassified reserves across Tāmaki Makaurau. Undertaking formal classification of Margan Reserve would fulfil requirements under the Reserves Act 1977 and would complete the vesting process.
30. Local boards have been allocated decision-making for the classification of reserves.

31. The Whau Local Board may wish to consider formally classifying Margan Reserve under the Reserves Act 1977. A copy of this report and the independent commissioner’s recommendations will be sent to the Whau Local Board for their consideration of this matter.

**Ngā whakaawaewe me ngā tirohanga a te rōpū Kaunihera**

**Council group impacts and views**

32. There are no council group impacts from declining the land exchange.

**Ngā whakaawaewe ā-rohe me ngā tirohanga a te poari ā-rohe**

**Local impacts and local board views**

33. The Whau Local Board supported the public notification of the proposed land exchange.

34. Community views were sought and considered through the public notification and hearing process. 77 individuals in the community opposed the proposed land exchange and six were in support.

**Tauākī whakaawaewe Māori**

**Māori impact statement**

35. Consultation with mana whenua was undertaken as part of the Reserves Act 1977 process.

36. Iwi consulted were Te Kawerau ā Maki, Te Rūnanga o Ngāti Whātu, Ngāi Tai ki Tāmaki, Ngāti Maru, Ngāti Te Ata Waiohua, Ngāti Whātu o Kaipara, Ngāti Whātu o Ōrākei, Te Akitai Waiohua and Ngāti Tamaterā.

37. No objections to the proposal were received and mana whenua did not request to present at the hearing.

**Ngā ritenga ā-pūtea**

**Financial implications**

38. There are no financial implications for council. The applicant has previously agreed to cover all costs associated with the land exchange.

**Ngā raru tūpono me ngā whakamaurutanga**

**Risks and mitigations**

39. There is a low risk of a judicial review of council declining the proposed land exchange. This has been mitigated by following the statutory requirements of the Reserves Act 1977.

40. There is a low reputational risk that the public will perceive Margan Reserve as being exempt from a future land exchange.

41. Declining the proposed land exchange will cease the application in its current form. The applicant could submit a revised proposal at a later date.

42. The applicant could also submit a private plan change or road application under the Resource Management Act 1991. Such an application would need to demonstrate a net benefit for recreation opportunities for the community that uses, benefits from, or enjoys the reserve.
Ngā koringa ā-muri

Next steps

43. The decision of the Environment and Community Committee on the proposed land exchange will be communicated to the applicant, submitters and the Whau Local Board.

44. The Development Programme Office will suggest that the applicant consider the following matters if it seeks to submit a revised proposal:
   - the size of the proposed road
   - the amenity value of the existing vegetation in Margan Reserve and mitigation to offset the loss of any mature trees and understory
   - the value of existing vegetation on the applicant’s land.

Ngā tāpirihanga

Attachments

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Ngā kaihaina

Signatories

<table>
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<td>Emma Golightly - Team Leader - Parks and Recreation Policy</td>
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<th>Authorisers</th>
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<tr>
<td>Paul Marriott-Lloyd - Senior Policy Manager</td>
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<tr>
<td>Kataraina Maki – General Manager - Community &amp; Social Policy</td>
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<td>Dean Kimpton - Chief Operating Officer</td>
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Recommendations following the hearing of the proposed recreation reserve land exchange at Margan Avenue, New Lynn under the Reserve Act 1977

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<td>Hearing panel:</td>
<td>David Hill (Chairperson)</td>
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<td>Appearances:</td>
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<td>Raela Inglis</td>
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<td>Suzanne Caron</td>
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<td>Clark Thomborson</td>
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<td>Catherine Farmer</td>
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<td>Sandra Coney</td>
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<td>For Council:</td>
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<td>Emma Golightly, Team Leader Parks and Recreation</td>
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<td>Larissa Rew, Hearings Advisor</td>
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<td>Julie McKee, Hearings Team Leader</td>
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<td>Hearing adjourned:</td>
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<td>Commissioners' site visit</td>
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<td>Hearing Closed:</td>
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Introduction

1. On 14 August 2018 Auckland Council’s Environment and Community Committee received a report seeking approval to publicly notify a proposed exchange of 295m² of reserve land between Margan Reserve, New Lynn (Pt Lot 1 DP 122011) with 295m² of land at 5 Clinker Place (Pt Lot 2 DP 122011). The developer concerned, Avanda Group, is presently engaged with the adjacent West Edge New Lynn development.

2. The report advised that Margan Reserve¹ is classified as a recreation reserve under the Reserves Act 1977 (the Act) and that there is no management plan in place. Margan Reserve comprises two lots, the larger linear strip being 3,486m² (i.e. c.200m long by 17.5m wide) and the smaller being 100m² (i.e. c.20m long by 5m wide). The two reserve strips are separated by a c.20m piece of private land, being part of the land to be included in the proposed exchange.

3. The principal benefits of the exchange were expressed in that report as being to:

¹ In this recommendation report unless otherwise indicated I use the singular “reserve” to refer always to both parcels of Margan Reserve

Margan Avenue, New Lynn – land exchange
• provide a road, pedestrian and cycle connection from Margan Avenue to New Lynn centre and the train station, in accordance with the New Lynn Precinct Plan; and

• enable a fragmented piece of Margan Reserve to be incorporated into a larger strip along Margan Avenue.

4. The report noted that the Whau Local Board resolved (WH/2017/140) on 22 November 2017 to conditionally support notification.

5. On 14 August 2018 the Environment and Community Committee resolved (ENV/2018/102) to approve notification under section 15(2) of the Act.

6. Following public notification, the Act’s statutory 1 month (minimum) submission period ran from 18 October 2018 to 16 November 2018. Eighty three (83) submissions were received - 6 in support and 77 opposed – and I note that while section 120 of the Act invites objections and submissions, section 15(2) (which sets out the Minister’s powers with respect to reserve land exchange) only calls for objections. While nothing turns on the matter, I have disregarded those submissions in support.

7. On 14 February 2019 Auckland Council’s Regulatory Committee resolved (REG/2019/5) to appoint independent hearings commissioner David Hill to hear submissions on and make a recommendation to the Environment and Community Committee on the proposed land exchange.

8. The hearing of submissions was duly scheduled for and held on Friday, 8 March 2019 at the Whau Local Board Office, 31 Totara Avenue, New Lynn. The hearing was formally closed following receipt of some further information requested at the hearing on 14 March 2019.

Background

9. It was told that, upon subdivision of the neighbouring land, the land was vested in the New Lynn Borough Council as recreation reserve pursuant to Section 306 (4) of the Local Government Act 1974, and on the deposit of DP 122011 on 22 August 1988.

10. The land is described as Lots 1 and 3 DP 122011 comprising 3,682m² and 100 square metres respectively and both remain retained within their parent title as NA1188/81(Cancelled).

11. Contrary to the earlier advice, the land is held by the Auckland Council as unclassified recreation reserve, subject to the provisions of the Act.

12. In other words, the formal reserves classification process through the Minister was not and has not been undertaken – but is a necessary requirement prior to reserve land exchange under s15 of the Act. Notwithstanding that technical point, the land is held and administered as recreational reserve under the Act and the relevant provisions apply accordingly.

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22 This is a slightly different m² figure than is shown for Lot 1 on the approved 2015 Rankin Property Development Ltd Title Plan SO 485697 – and which excludes the 0.0176ha corner Section 3.
13. Section 17 of the Act specifies the general purpose of recreation reserves as:

(1) ... providing areas for the recreation and sporting activities and the physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside, with emphasis on the retention of open spaces and on outdoor recreational activities, including recreational tracks in the countryside.

(2) It is hereby further declared that, having regard to the general purposes specified in subsection (1), every recreation reserve shall be so administered under the appropriate provisions of this Act that—

... 

(b) where scenic, historic, archaeological, biological, geological, or other scientific features or indigenous flora or fauna or wildlife are present on the reserve, those features or that flora or fauna or wildlife shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve ....

(c) those qualities of the reserve which contribute to the pleasantness, harmony, and coherency of the natural environment and to the better use and enjoyment of the reserve shall be conserved:


PBM

15. The PBM report notes that the Margan Reserve is presently zoned Open Space – Conservation under the Auckland Unitary Plan – Operative in Part (AUP(OP)), under which all vegetation greater than 4m in height and 400mm girth is “protected” — although vegetation removal is available by means of a restricted discretionary activity resource consent.

16. In summary, the PBM report notes that the pohutukawa are in generally good condition; that there is a moderately dense understory of variable quality but which includes natives and young totara; and that the proposal would likely require the removal of some 12% of the total existing reserve — being between 4 and 6 Pohutukawa and 13 Mexican Pines. PBM concluded¹⁰ that:

The area of mature trees to be removed, at 12%, is not an insignificant amount in terms of visual amenity and ecological value, and these two attributes would inevitably be reduced as a result of the proposed activities.

17. Furthermore, PBM noted¹¹ that:

Margan Reserve is considered an area of arboricultural merit. In addition to the Pohutukawa, there are a number of healthy and vigorous Totara emerging, up to 6m in height, and a vigorous understory. The mature Pohutukawa and Mexican Pines, moderate biodiversity and emergent climax species contribute to the arboricultural value of the area. However to counter this, the bush is still young in terms of maturity, and will be expected to increase in biomass for some time yet.

18. The PBM report then continues to discuss the proposed removal and to recommend mitigation planting and management options — particularly to avoid edge effects.

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¹⁰ PBM, section 7.3 page 10
¹¹ PBM, section 7.6 page 12
created by opening the continuous canopy cover. PBM was not asked to evaluate the merits of the proposal.

TDG

19. The TDG letter report confirmed that the proposed linear continuation of Crown Lynn Place to Margan Avenue is an appropriate alignment – noting also that Margan Avenue, being an arterial road, operated at about half of its capacity. TDG does not appear to have been asked to consider wider issues.

Issues

20. Submissions / objections made raised a number of concerns - not all of which are matters that fall within the jurisdiction of the Act relating, rather, to planning and traffic matters under the Resource Management Act 1991 (RMA). I do not address those latter aspects of the submissions. The submissions were tabulated in Attachment H to the Hearing Report. I have also been provided with full copies of all original submissions.

21. Of the many matters raised, the common threads can be summarised as:

- The considerable amenity afforded by this somewhat rare (in the urban New Lynn context) stand of greenbelt vegetation;

- The local value and importance of green space however small both for passive recreation reasons as well as for birdlife, as a green corridor, and the streetscape contribution made, particularly with the Christmas-time explosion of colour as Pohutukawa bloom;

- The inappropriateness of exchanging like land area for like rather than based on the values contributed by this reserve;

- The importance of retaining open space for all, especially in areas planned for higher density development;

- The inappropriateness of swapping recreation reserve and removing mature trees for a road of the proposed size – and the poorly vegetated land proposed; and

- Photographs of the area post 1950s – showing three distinct and “regimented” rows - suggest that there could be a commemorative (possibly WW1) aspect to their original planting.

22. These matters were discussed further with the submitters who appeared.

The reserves’ natural / amenity value

23. Little background is provided on the transaction in 1988 when the land was accepted as recreation reserve. However, the physical dimensions of the reserve suggest that it was never intended as anything other than passive recreation reserve, primarily serving an amenity and green space function. That is essentially its function today as confirmed by both written and oral submissions made – with a number stressing
that the failure by Council (as they perceive it) to actively manage the maintenance of the reserve, so that the community can better engage with the reserve, should not count as an argument for exchanging part of it.

24. Furthermore, and while the PBM report was not commissioned to assess the merits of the proposal, it is clear from that report that the natural values of the reserve are positive and potentially at risk from reduction by the proposed road (albeit mitigation measures are considered).

25. I am satisfied that the reserve continues to fulfill its recreation purpose and that there is a risk of that purpose being diluted with the proposed exchange, notwithstanding any alleged benefit arising from the consolidation of the smaller reserve parcel on its eastern side (but which at a mere 5m width has limited value other than as screening vegetation).

Section 15AA Reserves Act 1977

26. Section 15AA of the Act provides a pathway for recreation reserve land exchange when concurrent application is made under the RMA for a resource consent, or a private plan change is requested. Furthermore, that section places two limitations on granting as follows:

(5) The administering body must not grant the application unless—

(a) it has had regard to any submissions that were made on the application during the public notification process under the RMA and that relate to the exchange, and

(b) it considers that the exchange would result in a net benefit for recreation opportunities for the community that uses, benefits from, or enjoys the reserve.

27. I understand that no such concurrent application or request has been lodged with the present proposal and that this section and the prescribed criterion in section 15AA(5)(b) – although raised in submissions - therefore does not apply.

New Lynn Precinct Plan

28. I note that earlier documentation indicated that the proposed c.20m wide road, which is the effective driver for this proposed land exchange, is "in accordance with the New Lynn Precinct Plan". That is not correct.

29. The New Lynn Precinct Plan 1 (Auckland Unitary Plan I607.10.1) shows only one proposed road, and that is between Totara Avenue and Crown Lynn Place. The connection between Margan Avenue and Crown Lynn Place through sub-precinct A is shown as "proposed lane (vehicle and pedestrian)".

30. While the width of the proposed lane is not indicated, clearly that would generally be understood as being significantly less than a 20m wide road – and certainly not intend to carry the same level of traffic. Furthermore, a lane would appear to be readily accommodated within the private land fronting Margan Avenue. The proposed road is, therefore, not in accordance with the Precinct Plan and will require approval through the requisite RMA processes in due course (if pursued).
The status of “the road”

31. As noted above, the effective driver for the land exchange is not in accordance with the New Lynn Precinct Plan 1.

32. I understand that while plans and discussions have been held between the developer and Council (including with Auckland Transport) with respect to the possible road network across West Edge, no formal application process has yet been entered into. For present purposes then the road (and its intersection with Margan Avenue) has no formal status - and whether it attains formal status can neither be presumed nor predetermined.

33. As the road has no formal status, properly assessing the need for the exchange is problematic. As section 15AA of the Act contemplates, the more usual situation is effectively for a grant in principle to be in place or in process, against which the merits of a proposed exchange can be considered. In this case the argument as to whether the road could be angled to avoid the reserve proper or narrowed, as suggested by some submitters, without consequence to traffic safety, has neither been rehearsed publicly nor determined. Those options could avoid the need for land exchange.

34. I also note that the trees that would be involved in routing a lane or road through the Avanda private land (edge effects aside) are all identified as privet/acacia in the PBM report – clearly that would be a relevant consideration in any RMA-related process.

Conclusion

35. It seems clear that the values for which the land was taken and has been held since 1988 still hold good and, indeed, have been enhanced as the vegetation has matured. The arboricultural report confirms that the mature trees are generally in good health with continued growth expected. It is also clear that more active management of understorey weed species would further enhance those values.

36. At the same time, there are those in the immediate and wider community who are able to articulate the values it has for them.

37. This, then, is not a case where the reserve under consideration has lost or changed its character or values.

38. On the other hand the principal driver for the exchange, a notional road, has no formal status.

39. The question then as to whether the reserve values of part of the land should yield, at this point in time, to what is little more than a draft intention seems somewhat rhetorical. Clearly it should not.

40. Furthermore, the reserve is not yet classified; a step that is apparently necessary before an exchange under the Act can occur. While that may not be an onerous

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5 Trees 66, 67 and 69 on the Margan Reserve Tree Location Plan, Hearing Report page 25, and PBM page 9
process since, on the face of it, section 16(5) of the Act would seem to apply, it may still take some time.

**Recommendation**

41. I make the following recommendations:

(a) That the proposed exchange of Margan Reserve land not proceed at this time for the reasons discussed but principally because the values for which the recreation reserve is held are not diminished, and the road that is the main driver for the exchange has no formal status and is not, as yet, the subject either of a resource consent application or a private plan change request under the Resource Management Act 1991; and

(b) That Council initiates formal classification of Margan Reserve under the Reserves Act 1977 so that, should a formal road application or plan change request subsequently be lodged, Council is in a position to proceed in the event that such is determined to be appropriate.

David Hill
Chairperson

22 March 2019
Sport and Recreation Facilities Investment Fund

File No.: CP2019/04788

Te take mō te pūrongo
Purpose of the report
1. To approve the allocation of the Sport and Recreation Facilities Investment Fund 2018/2019 and note the update on the Sport and Recreation Facilities Investment Fund.

Whakarāpopototanga matua
Executive summary
2. The Sport and Recreation Facilities Investment Fund was established to support the development of sport and recreation facilities that enable Aucklanders to be more active more often.

3. The Long-term Plan 2018-2028 allocated $120 million to the Investment Fund over the next ten years, with $5M available in 2018/2019, which must be allocated by 30 June 2019.


5. The Auckland Sport Sector: Facility Priorities Plan is a sector-based plan to help inform and shape sports code plans and future sport facilities investment in Auckland. The plan provides an important framework to assess project readiness and evidence-based need.

6. A targeted approach to allocate the available funding in 2018/2019 is proposed. The recommendations are to support strategically important existing projects that will maximise community sport outcomes and can be successfully delivered within a short time frame.

7. Investment Fund Guidelines that outline the contestable process and approach for future funding allocations will be finalised following the adoption of the Sport Investment Plan.
Ngā tūtohunga

Recommendation/s

That the Environment and Community Committee:

a) approve the Sport and Recreation Facilities Investment Fund allocation for 2018/2019 as follows:

i) Waitemata Table Tennis Association – facility redevelopment - $540,000

ii) Three Kings Football Club – clubhouse development - $992,000

iii) Waitakere Regional Hockey Turf Trust – Hockey pavilion - $200,000

iv) Manukau Taniwha BMX – supporting infrastructure - $203,000

v) Mahu Vision Community Trust – multi-sport indoor court facility - $785,000

vi) Counties Manukau Off-road racing – track development - $380,000

vii) Papakura Netball Centre – outdoor court rubberisation - $900,000

viii) North Harbour Hockey – new turf - $1,000,000

b) authorise the General Manager Parks, Sport and Recreation to prepare and execute development funding agreements.

c) note that this is a targeted approach for 2018/2019 and that Guidelines for the Sport and Recreation Facilities Investment Fund will be reported for approval following the adoption of the Sport Investment Plan, outlining the contestable process and timing for future funding allocations.

Horopaki

Context

8. Auckland has a shortage of sports facilities to meet the current population as well as accommodating growth in future population. The Long-term Plan 2018-2028 allocated $120 million to the Sport and Recreation Facilities Investment Fund over the next ten years.

9. The fund will allow Council to proactively invest in changing sport and recreation preferences and deliver value for money through partnering and support the development of regional and sub regional facilities that address the shortfall in facilities.

10. The Sports Investment Plan – Increasing Aucklanders’ Participation in Sport: Investment Plan 2019-2039 will outline Council’s approach to sport investment over the next 20 years. The draft plan was approved by the Environment and Community Committee in December 2018 and is expected to be finalised mid-2019.

11. The Facility Partnership Policy approved by the Environment and Community Committee in December 2018 sets out how Council will partner with others. 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.

12. The Auckland Sport Sector: Facility Priorities Plan is a sector-based plan to help inform and shape sports code plans and future sport facilities investment in Auckland. The plan provides an important framework to assess project readiness and evidence-based need.

13. The allocation of the Sport and Recreation Facilities Investment Fund will be guided by the Sports Investment Plan and Facility Partnership Policy. The Fund Guidelines will be developed following the final Investment Plan being approved in July 2019. The Guidelines will outline the contestable process and timing for future fund allocations.

15. A targeted approach to allocate the available funding in 2018/2019 is proposed, to support strategically important existing projects that will maximise community sport outcomes and can be successfully delivered within a short time frame.

Tātaritanga me ngā tohutohu
Analysis and advice

16. The draft Sport Investment Plan targets investment to increase the level of community sport participation in Auckland, in three areas:
   i) enabling participation of low participant communities,
   ii) increasing participation in emerging sports with high growth potential,
   iii) sustaining or increasing participation in high participation sports.

17. The *Auckland Sport Sector: Facility Priorities Plan* detailed assessment criteria identifies projects that meet: a gap in provision; strategic alignment; complementary to existing network; strategic support; sustainability; return on investment; achievability; community need and participation.

18. Over 50 existing projects were considered, and a number of projects assessed against the approved outcome areas and principles in the draft Sport Investment Plan, as well as assessed through the *Auckland Sport Facilities: Sport Priorities Plan* detailed assessment criteria.

19. The eight projects identified for Sport and Recreation Facilities Investment funding for 2018/2019 meet the target participation outcome areas and the investment principles in the draft Sports Investment Plan and are sufficiently progressed to enable them to be completed within a short timeframe.

20. Three of the projects already have Council funding allocated and have previously been through a contestable process for funding. Over time the costs of these projects has increased; while good progress has been made and best efforts to secure further funding made, these projects still have a shortfall of funding to commence development.

Recommended Projects

21. **Organisation:** Waitemata Table Tennis Association

   **Project:** Renewal and redevelopment of existing five-table facility to achieve a 10-table facility with toilet/changing and a small meeting room.

   **Funding recommended:** $540,000

   The existing table tennis facility in Sunnyvale, West Auckland is at the end of its useful life. To be fit-for-purpose the facility needs significant renovations. Minor renovations are not an option due to Building Code requirements; the whole facility needs to be brought up to code. An earlier project to redevelop the facility stalled due to the inability to raise funds. The project has been rescoped to a realistic scale and has made progress through the design and consent phase. The facility redevelopment will increase participation by doubling the capacity of the existing facility and enable WTTA to accommodate unmet demand. The small size and poor condition of the facility has constrained growth in table tennis in West Auckland. The inability to host secondary school competition has been a problem. The proposed facility includes two halls, one of which is identified as suitable for shared use with other community sport organisations.

   This project meets an identified community need and aligns with Auckland Council’s strategic priorities and outcomes.
This project will *increase the level of community sport participation* through: *increasing participation in emerging sports with high growth potential*.

<table>
<thead>
<tr>
<th>Total Project Cost</th>
<th>$1,500,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council funding committed</td>
<td>$330,000</td>
</tr>
<tr>
<td>Other Funders confirmed/pending</td>
<td>$630,000</td>
</tr>
<tr>
<td>Additional Council Funding Recommended</td>
<td>$540,000</td>
</tr>
</tbody>
</table>

22. **Organisation:** Three Kings United Football Club  
   **Project:** Clubhouse development including changing facilities and public toilets  
   **Funding recommended:** $992,000

Three Kings United is based at Keith Hay Park, Mt Roskill. The club and is one of the largest football clubs in New Zealand with membership exceeding 2400 registered players, of which over 1900 are under 18 years old. The present clubroom is over 50 years old and no longer capable of meeting the club’s needs. As far back as 2003 various concept plans have been discussed for the park and club development. The clubhouse development is a further stage in the development of Keith Hay Park. The re-location of the new clubroom is as a result of community consultation and the request of council to enable future expansion of the Cameron Pool. The new site selected has encountered significant additional foundation issues and costs. The project has been rescoped to an achievable scale and good progress has been made in fundraising and consenting. The construction of the clubhouse is ready to commence but with a shortfall in funding, due in part to building cost increases and the additional foundation costs. The new clubroom will be a hub for activities at Keith Hay Park with the facility available to the wider community (including local schools) for meetings and events.

Three Kings United have demonstrated capability and commitment having led and funded the project through to its current stage. They have successfully fundraised from within their membership and secured significant investment from third party funders.

<table>
<thead>
<tr>
<th>Total Project Cost</th>
<th>$5,377,000</th>
</tr>
</thead>
</table>
| Council funding committed | $2,100,000  
  (including $1,300,000 for changing rooms and public toilets) |
| Other Funders confirmed/pending | $2,285,000 |
| Additional Council Funding Recommended | $992,000 |

This project meets an identified community need and aligns with Auckland Council’s strategic priorities and outcomes.

This project will *increase the level of community sport participation* through: *sustaining or increasing participation in high-participation sports*. 
23. **Organisation:** Waitakere Regional Hockey Turf Trust  
**Project:** Pavilion development including changing rooms and toilets  
**Funding recommended:** $200,000

The Waitakere Regional Hockey Turf Trust are developing a multi-sport facility at Henderson High School, Henderson. Phase 1 of the project, completed in 2011, included the turf development. Phase 2 involves the construction of a pavilion with appropriate amenities for all turf users. The pavilion stage will comprise construction of a small pavilion including two changing rooms and toilets. The proposed pavilion is the product of numerous design reviews to produce a design achievable in scale and cost.

The existing facility does not have toilets or changing rooms, or any pavilion space for spectators or club activities. The facility has relied on access to the school gymnasium for toilet/changing facilities. To complete the original vision and achieve a fit-for-purpose facility, the pavilion and core infrastructure needs to be completed. The proposed pavilion will allow improved use of the turf by enabling senior competition matches to be played (currently not possible due to lack of changing facilities).

<table>
<thead>
<tr>
<th>Total Project Cost</th>
<th>$ 814,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council funding committed</td>
<td>$ 290,000</td>
</tr>
<tr>
<td>Other Funders confirmed/pending</td>
<td>$ 324,000</td>
</tr>
<tr>
<td>Additional Council Funding Recommended</td>
<td>$ 200,000</td>
</tr>
</tbody>
</table>

This project meets an identified community need and aligns with Auckland Council’s strategic priorities and outcomes.

This project will *increase the level of community sport participation* through: *increasing participation in emerging sports with high growth potential*.

24. **Organisation:** Manukau Taniwha BMX Club Inc  
**Project:** Beginner track, storage facility and roof over start gate  
**Funding recommended:** $203,000

The Manukau Taniwha BMX Club has been developing a BMX track at Colin Dale Park, Wiri. The main track construction is now completed, and the club is now focusing on other supporting requirements such as constructing a beginner’s track, storage facilities and a roof over the start gate.

The beginners track will provide opportunities for newcomers and younger children, increasing participation. Currently 85% of members are under 18 years.

The additional infrastructure will ensure the BMX facility is fit for purpose, providing the club with the ability to host local, regional and national competitions. These facilities are required to deliver the sport. The BMX track will be available for community use, when not being used for club training and competition. The proposed development is consistent with the park development plan and can be delivered in components as funding comes available.
Item 10

<table>
<thead>
<tr>
<th>Total Project Cost</th>
<th>$ 505,000 (for this next stage)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council funding committed</td>
<td>$ 0 (for this next stage)</td>
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<tr>
<td>Other Funders confirmed/pending</td>
<td>$ 302,000</td>
</tr>
<tr>
<td>Council Funding Recommended</td>
<td>$ 203,000</td>
</tr>
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</table>

This project meets an identified community need and aligns with Auckland Council’s strategic priorities and outcomes.

This project will *increase the level of community sport participation* through: *enabling participation of low participant communities*.

25. **Organisation:** Mahu Vision Community Trust  
**Project:** Multi-sport indoor Court facility  
**Funding recommended:** $785,000

The Mahu Vision Community Trust are developing a new Church and Community Centre on private land in the centre of Warkworth. The project includes one multi-sport indoor court, changing rooms, storage for community sport equipment and a large multi-use function area.

There is currently a shortfall in indoor court provision in Warkworth. The only indoor court is located at Mahurangi College, which is used at capacity. Regional Sports Organisations, such as badminton, table tennis, basketball, volleyball and futsal are unable to offer community sport programmes in this area.

The Trust requires the indoor courts from 9am-4pm weekdays and on Sundays. Peak community use of any indoor court space is typically 4-10pm weekdays and Saturday’s, making this a highly complementary partnership in terms of community access.

| Total Project Cost | $ 8,000,000 (build cost)  
<table>
<thead>
<tr>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td></td>
<td>$ 3,000,000 (indoor court facility)</td>
</tr>
<tr>
<td>Council funding committed</td>
<td>$ 0</td>
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<tr>
<td>Other Funders confirmed/pending</td>
<td>$ 10,100,000</td>
</tr>
<tr>
<td>Council Funding Recommended</td>
<td>$ 785,000</td>
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</table>

This project meets an identified community need and aligns with Auckland Council’s strategic priorities and outcomes.

This project will *increase the level of community sport participation* through: *sustaining or increasing participation in high-participation sports*. 
26. **Organisation:** Counties Manukau Off Road Racing Club  
**Project:** Track Development  
**Funding recommended:** $380,000  

The Counties Manukau Off Road Racing Club is developing a track on Colin Dale Park, Wiri. Council has partially completed earthworks, road access, carparking and stormwater treatment in the park. The bulk of council’s development work was completed in May 2015 however the level of bulk earthworks expected was not achieved due to budgetary constraints. Each group was then responsible for completing the development of their individual leased sites.

Detailed design has been completed and consents granted for the track and pit development. The project is ready pending the balance of funding being secured. The resource consent for earthworks required to complete the track development expires in December 2019. The completion of this track will activate another activity and user group. The track development is consistent with the park development plan.

<table>
<thead>
<tr>
<th>Total Project Cost</th>
<th>$ 897,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council funding committed</td>
<td>$ 0 (for the track development)</td>
</tr>
<tr>
<td>Other Funders confirmed/pending</td>
<td>$ 517,000</td>
</tr>
<tr>
<td>Council Funding Recommended</td>
<td>$ 380,000</td>
</tr>
</tbody>
</table>

This project meets an identified community need and aligns with Auckland Council’s strategic priorities and outcomes.

This project will *increase the level of community sport participation* through: *enabling participation of low participant communities*.

27. **Project:** Papakura Netball Centre / Bruce Pulman Park Trust  
**Funding Recommended:** $900,000  

The 20 outdoor asphalt netball courts at Papakura Netball Centre within Pulman Park are over 20 years old and at the end of their useful life. The current courts are slippery and not free-draining. The quality of the surface is impacting on participation levels and the safety of users. Renewal of the courts is required, including the installation of a rubberised surface proposed. Rubberised surfaces provide a safer environment for young participants, minimises impact injuries for youth and adult participants, and broadens the range of activities.

Papakura Netball Centre is one of 11 netball centres in the Auckland region. It is an important local sport facility providing sport opportunities seven days a week for over 1900 participants. The upgrade of the outdoor courts and inclusion of additional sport markings will provide additional capacity for turbo touch, tennis and futsal.

<table>
<thead>
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<th>Total Project Cost</th>
<th>$ 2,152,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council funding committed</td>
<td>$ 0 (to this project)</td>
</tr>
<tr>
<td>Council Funding Recommended</td>
<td>$ 900,000</td>
</tr>
</tbody>
</table>
This project meets an identified community need and aligns with Auckland Council’s strategic priorities and outcomes.

This project will increase the level of community sport participation through: sustaining or increasing participation in high-participation sports.

28. **Project:** North Harbour Hockey  
**Funding Recommended:** $1,000,000

The Harbour Hockey Charitable Trust, in partnership with New Zealand Hockey, are developing a new $40M+ National Hockey Centre at Rosedale Park West as a result of the New Zealand Transport Agency project to extend State Highway 16, which dissects the existing hockey site. The new venue will comprise four new hockey turfs, one of which is considered betterment above and beyond NZTA’s obligation to provide a ‘like for like’ facility. The need for an additional turf was identified in hockey’s Auckland regional facility strategy, which shows a current shortfall of 5.7 turfs in the North Harbour region based on existing demand and turf capacity.

The wider National Hockey Centre project includes a two-story pavilion providing changing rooms and social space, over 500 covered spectator seats and 170 additional car park spaces. All fields will be floodlit to enable community use, with the number one field lit to international tv broadcasting standards. In addition, the existing number five turf is being upgraded from a sand to water-based surface, with a new footbridge linking the two sites across Alexandra stream.

The National Hockey Centre is currently under construction, due to be completed by the end of 2019, subject to confirmation of betterment funding. Council’s contribution is to develop the additional turf for community use to meet the shortfall in provision.

<table>
<thead>
<tr>
<th>Total Project Cost</th>
<th>$ 1,900,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council funding committed</td>
<td>$ 0</td>
</tr>
<tr>
<td>Other Funders confirmed/pending</td>
<td>$ 900,000</td>
</tr>
<tr>
<td>Council Funding Recommended</td>
<td>$ 1,000,000</td>
</tr>
</tbody>
</table>

This project meets an identified community need and aligns with Auckland Council’s strategic priorities and outcomes.

This project will increase the level of community sport participation through: increasing participation in emerging sports with high growth potential.

**Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera**  
**Council group impacts and views**

29. The proposed funding recommendations have no identified impacts on other parts of the council group. The views of council-controlled organisations were not required for the preparation of this report.
Local impacts and local board views

30. Local Boards’ views have not been specifically sought on the sport and recreation funding recommendations in this report, however all the projects have previously been shared with Local Boards and are supported by them.

Māori impact statement

31. The funding recommendations in this report will provide increased opportunities to be active and increase participation, including for Māori.

Financial implications

32. $5 million is allocated in the Long-Term Plan for the Sport and Recreation Facilities Investment Fund in 2018/2019.

Risks and mitigations

33. The risks associated with these funding recommendations is that the projects will still not be able to proceed to completed project delivery. The recommendations have been based on assessments of the projects that meet the strategic priorities, outcomes and investment principles, including being ready to progress. These risks will also be mitigated through the Development Funding Agreements and any release of funding will be subject to terms and conditions being met.

Next steps

34. Staff will prepare Development Funding Agreements and work with the groups to progress the projects.

Attachments

There are no attachments for this report.

Signatories

<table>
<thead>
<tr>
<th>Authors</th>
<th>Sharon Rimmer - Manager Sport and Recreation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Dave Stewart - Manager Sport &amp; Recreation</td>
</tr>
<tr>
<td>Authorisers</td>
<td>Mace Ward - General Manager Parks, Sports and Recreation</td>
</tr>
<tr>
<td></td>
<td>Dean Kimpton - Chief Operating Officer</td>
</tr>
</tbody>
</table>
Allocation of funding to Citizens Advice Bureaux

File No.: CP2019/07135

Te take mō te pūrongo

Purpose of the report

1. To seek approval for the proposed new model for allocating funding to Citizens Advice Bureaux (CAB) and endorse an increase to the baseline grant to Auckland Citizens Advice Bureaux Incorporated (ACABx) by $200,000 per annum in 2019-2021.

Whakarāpopototanga matua

Executive summary

2. There are 32 CAB sites in the Auckland region, operated by 11 organisations. Bureaux staff and volunteers offer free information, advice, referral and client advisory services to local communities.

3. In 2018/2019, council granted $1.867 million to Auckland Citizens Advice Bureaux Incorporated (ACABx) conditional on staff and ACABx jointly developing a new funding model. An additional one-off grant of $200,000 was also made through council’s Long-term Plan 2018-2028.

4. The following three funding model options are considered in this report:
   - Current funding model – population based
   - Council staff model – population, usage and deprivation
   - New model from the joint working group – population and deprivation.

5. The new model developed with ACABx is based on 90 per cent population and 10 per cent deprivation to target communities with complex issues and limited access to services to support them. This option also supports the Auckland Plan 2050 ‘Belonging and Participation’ outcome.

6. The majority of local boards provided feedback in support of the new model and additional funding. Upper Harbour and Rodney Local Boards prefer the current funding arrangements.

7. Bureaux have also provided feedback in support of additional funding but do not want deprivation included as a factor in the funding model as they are concerned it conflicts with their service principle of treating all clients equally.

8. Staff recommend the new model from the joint working group and including the additional $200,000 as part of the baseline grant per annum for 2019-2021. If baseline funding is increased by $200,000 per annum, all bureaux will retain a minimum of their current funding levels when the new model is implemented in 2019/2020.

9. The new funding model provides a platform for future service growth and the development of a regional network service provision framework for CAB services to be completed by 30 September 2020. This timeframe will allow council’s level of investment to be considered as part of the 10-year Budget 2021-2031.

Ngā tūtohunga

Recommendations

That the Environment and Community Committee:

a) approve the new model for allocating funding to Citizens Advice Bureaux based on 90 per cent population and 10 per cent deprivation.

b) refer an increase to the baseline grant to Auckland Citizens Advice Bureaux Incorporated by $200,000 per annum to $2.067 million in 2019-2021 (excluding any CPI adjustment) to be considered by the Finance and Performance Committee.
c) approve staff completing funding and strategic relationship agreements with Auckland Citizens Advice Bureaux Incorporated for 2019-2021 conditional on meeting milestones towards the joint development with council of a Regional Network Service Provision Framework by 30 September 2020.

Horopaki
Context

10. In 2012, ACABx was established to provide a support structure for funding from council and other bodies, as well as the development of a strategic direction for the CAB service across Auckland.

11. There are 32 Auckland CAB sites in 18 local board areas (Attachment A). There are no sites in Franklin, Great Barrier and Upper Harbour.

12. CAB has experienced significant growth in the use of its online services. There were 230,000 Auckland visits to the CAB website in 2012/2013, which rose to over 800,000 visits in 2017/2018.

13. There were a total of 295,000 client interactions at CAB sites in Auckland in 2017/2018, 236,000 of which were personal contact through people coming into a CAB site and 59,000 were phone enquiries.

14. Approximately forty-five per cent of all client interactions were on topics including legal issues, immigration and citizenship, consumer queries and housing. Other activity was mainly provided by outside groups, including Justice of the Peace services, budgeting, legal advice and other specialist clinics.

Auckland Council funding of CABs

15. In 2018/2019, council granted $1.867 million to ACABx, which distributed the funding to bureaux to provide services across Auckland.

16. Through council’s Long-term Plan 2018-2028, an additional one-off grant of $200,000 was approved to maintain and develop the service (GB/2018/91). The ACABx board have distributed $90,300 of this grant to bureaux facing financial pressure (Helensville, Auckland City, Māngere and Manurewa). The remaining $109,700 funds will be used to test new ways of delivering the service and develop a regional network service provision framework.

17. In addition to grant funding, council provides accommodation for bureaux at minimal cost under community lease arrangements, (equivalent to a $641,000 subsidy per annum). Some local boards also provide grants to bureaux for specific purposes.

18. ACABx are on target to meet the four conditions on the 2018/2019 grant as shown in Table 1 (ENV/2018/48).

Table 1: Funding conditions 2018/2019

<table>
<thead>
<tr>
<th>Funding condition</th>
<th>Progress to date</th>
</tr>
</thead>
<tbody>
<tr>
<td>A joint review between Auckland Council and ACABx of the funding model</td>
<td>✓ Joint working group between ACABx and council staff identified and assessed potential model funding factors and developed a new funding model and implementation arrangements</td>
</tr>
<tr>
<td>Updated Strategic Relationship Agreement to include the development of a regional network service provision framework</td>
<td>Underway Revised Strategic Relationship Agreement signed between council and ACABx with scoping and timeline for regional network service provision planning to be agreed by June 2019</td>
</tr>
</tbody>
</table>
### Funding condition

| Improved reporting and access to consistent data on the service provided at regional and site level | ✓ CABNZ and ACABx improved six-monthly bureaux reports which are made available to local boards  
✓ CABNZ rolled out an improved database and data collection system (CABNET) in March 2019 which will impact the Q3/Q4 reports for 2018/2019 |
| Strengthened and more strategic relationships between local boards and bureaux | ✓ The revised Strategic Relationship Agreement sets out guidance on the relationship between local boards and bureaux |

19. Various Governing Body decisions from 2016-2018 regarding CAB funding are provided in Attachment B.

### Tātaritanga me ngā tohutohu

#### Analysis and advice

20. The following outlines the three funding model options considered.

**Option 1: Current funding model (2013 – current)**

21. The current funding model was implemented by ACABx with agreement by council as an interim approach to transition from legacy council funding to regional funding.

22. ACABx allocates funding to sub-regional clusters of bureaux based on 2013 Census population data.

**Option 2: Council staff model (2018)**

23. In April 2016, the Regional Strategy and Policy Committee directed staff to review CAB services (REG/2016/22).

24. A review was undertaken, and council staff developed a revised funding allocation model using 70 per cent population, 25 per cent client usage, and 5 per cent deprivation. This model responded to the review findings and focused on funding to achieve greater equity and fairness.

25. CAB objected to the introduction of client usage as a funding factor because they consider it does not reflect the range of complexity in interactions from simple information requests to lengthy interviews. In 2018, the Environment and Community Committee directed staff to develop a new funding model jointly with ACABx (ENV/2018/48).

**Option 3: New model from joint working group (2019)**

26. Council staff and ACABx jointly developed a new funding model for bureaux based on:
   - 90 per cent population; and,
   - 10 per cent deprivation to increase the capacity of bureaux to meet the complex needs of communities with higher levels of relative deprivation. This targeted funding will support the development of new service approaches to increase the access to CAB services within these communities.
27. Table two shows a comparative overview of the three funding model options.

**Table 2: Comparative overview of funding models**

<table>
<thead>
<tr>
<th>Description</th>
<th>Current model</th>
<th>Council staff model</th>
<th>New model from joint working group</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Date</strong></td>
<td>2013-current</td>
<td>2018</td>
<td>2019</td>
</tr>
<tr>
<td><strong>Basis of allocation and data sources</strong></td>
<td>100% population</td>
<td>70% population</td>
<td>90% population</td>
</tr>
<tr>
<td></td>
<td></td>
<td>25% client usage</td>
<td>10% deprivation</td>
</tr>
<tr>
<td></td>
<td></td>
<td>5% deprivation</td>
<td></td>
</tr>
<tr>
<td><strong>Model coverage</strong></td>
<td>Excludes Franklin and Great Barrier Island</td>
<td>Excludes Great Barrier Island</td>
<td>Excludes Great Barrier Island</td>
</tr>
</tbody>
</table>

28. The criteria that were applied to assess the models were developed by the joint working group. Consideration is given to equity, responsiveness to population growth and community need.

29. An overview and assessment of the funding allocation models is provided in Attachment C.

**Proposed implementation of new funding model**

30. The new funding model (option 3), which was jointly developed with ACABx, is the recommended model for implementation in 2019-2021.

31. The new model starts to address equitable services across Auckland through population-based funding and targeted deprivation. It supports The Auckland Plan 2050 outcome Belonging and Participation:
   - Focus area two – Accessible services and social and cultural infrastructure that are responsive in meeting people’s evolving needs.
   - Focus area six – Focusing the council’s investment to address disparities and serve communities of greatest need.

32. The new funding model provides a platform for future service growth and the development of a regional network service provision framework for CAB services to be completed by 30 September 2020 by ACABx, CABs and council. This timeframe will allow council’s level of investment to be considered as part of the 10-year Budget 2021-2031.

33. ACABx support the new model conditional on the annual grant of $1.867 million (for the 2018/2019 financial year) increasing by $200,000 per annum, and bureaux continuing to receive funding at a minimum of the 2018/2019 level to ensure no bureaux would lose funding when the model is implemented in 2019/2020.

34. If the additional funding is not secured, six bureaux operating 21 sites, will face reduced funding, which would lead to reduction in services and challenge the viability of some sites.

35. To mitigate the redistribution impacts of the new funding model at a bureau level, population-based increases in funding would be capped at 10 per cent for 2019-2021. ACABx has indicated that the funding for deprivation will be used by bureaux for specific initiatives to enhance access to services.

36. The application of the new funding model is shown in Table 3. The information is based on the 2018/2019 funding allocations and excludes provision for premises lease payments to council and ACABx fee (2 per cent).
### Table 3: New funding model allocations

<table>
<thead>
<tr>
<th>Bureau</th>
<th>2018/2019 Actual</th>
<th>New model (current funding)</th>
<th>New model (plus $200,000)</th>
<th>Difference between 2018/2019 Actual and New model plus $200,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Helensville CAB</td>
<td>$40,365</td>
<td>$36,872</td>
<td>$40,365</td>
<td>0%</td>
</tr>
<tr>
<td>Hibiscus Coast CAB</td>
<td>$51,712</td>
<td>$58,713</td>
<td>$58,920</td>
<td>14%</td>
</tr>
<tr>
<td>Wellsford CAB</td>
<td>$38,298</td>
<td>$36,770</td>
<td>$38,298</td>
<td>0%</td>
</tr>
<tr>
<td>CAB North Shore Browns Bay, Birkenhead, Glenfield Northcote, Takapuna sites</td>
<td>$309,030</td>
<td>$250,153</td>
<td>$309,030</td>
<td>0%</td>
</tr>
<tr>
<td>WaiCAB Massey, Henderson, Glen Eden, New Lynn, Avondale sites</td>
<td>$298,746</td>
<td>$300,401</td>
<td>$344,999</td>
<td>15%</td>
</tr>
<tr>
<td>CAB Auckland City Central Auckland, Grey Lynn/Ponsonby, Eden/Albert, Mt Roskill, Remuera, Glen Innes, Panmure-Ellerslie, Sylvia Park, Onehunga, Waiheke sites</td>
<td>$499,901</td>
<td>$487,965</td>
<td>$553,597</td>
<td>11%</td>
</tr>
<tr>
<td>Māngere CAB Māngere, Ōtāhuhu, Papatoetoe sites</td>
<td>$169,849</td>
<td>$179,162</td>
<td>$190,494</td>
<td>12%</td>
</tr>
<tr>
<td>Manurewa CAB Manurewa, Clendon sites</td>
<td>$82,775</td>
<td>$114,454</td>
<td>$118,217</td>
<td>43%</td>
</tr>
<tr>
<td>Ōtara CAB</td>
<td>$86,927</td>
<td>$78,215</td>
<td>$86,927</td>
<td>0%</td>
</tr>
<tr>
<td>Pakuranga CAB Pakuranga and Botany sites</td>
<td>$98,662</td>
<td>$109,188</td>
<td>$109,262</td>
<td>11%</td>
</tr>
<tr>
<td>Papakura CAB</td>
<td>$86,471</td>
<td>$110,844</td>
<td>$112,628</td>
<td>30%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,762,737</strong></td>
<td><strong>$1,762,737</strong></td>
<td><strong>$1,962,737</strong></td>
<td><strong>11%</strong></td>
</tr>
</tbody>
</table>
Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera
Council group impacts and views

37. The council teams that collaborated on the new model and are involved in regional network provision planning include:
   - Community Facilities and Community Places – administration of the leases for CAB premises and facility operation.
   - Libraries and Information – some CABs are co-located with libraries.
   - Service, Strategy and Integration – expertise in service design and integrating service offers.

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

38. Feedback was sought from local boards on the proposed new funding model and baseline funding (Attachment D).

39. Of the 20 local boards who provided feedback, 17 supported the proposed model, if the additional $200,000 to baseline grant is secured to ensure current funding levels to bureaux are maintained.

40. The Waiheke Local Board did not comment on the new funding model but did support the increase to baseline funding of $200,000.

41. Rodney Local Board does not support the new model due to limited data from CABs on usage and demand and is concerned about applying a population-based funding model to rural communities with small populations serving a large area.

42. There is no bureau in Upper Harbour and the local board does not support deprivation being included in the funding model as the area has a high migrant population, which the local board considers has complex needs which are not reflected in deprivation measures.

43. On the other hand, Māngere-Ōtāhuhu, Manurewa and Ōtara-Papatoetoe Local Boards provided feedback that 10 per cent weighting for deprivation in the funding model is too low and could be increased to 20 per cent.

44. Some local boards noted concerns about CAB funding models and sustainability, recommending council and ACABx advocate for increased central government funding to respond to increased demand and growth.

45. The new model extends the funding framework to include the Franklin Local Board area, covering all of Auckland apart from Great Barrier. Both Franklin and Papakura Local Boards support this change.

46. Overall, local boards are supportive of the service provided by CABs, endorse targeted funding to address deprivation, regular updates of population data and further work to develop a regional network service provision framework.

Tauākī whakaaweawe Māori
Māori impact statement

47. CAB services are available to everyone, and there is currently limited targeting of services to groups, including Māori.

48. For 2017/2018, Māori comprised 8 per cent of users contacting Auckland CAB sites.

49. Staff and ACABx have worked together on development of the new model and no specific engagement with Māori was undertaken.
50. Twenty-nine per cent of all Aucklanders live in areas with relatively high deprivation scores, while 50 per cent of Aucklanders who identify as Māori live in areas with relatively high deprivation. The new funding model includes a 10 per cent deprivation component.

Ngā ritenga ā-pūtea
Financial implications

51. It is recommended that the additional $200,000 is retained in the ACABx baseline grant bringing the annual total to $2.067 million in 2019-2021. This excludes any CPI adjustment.

52. The Māngere-Ōtāhuhu Local Board has provided funding from 2015-2018 to Māngere CAB to operate a CAB agency in Ōtāhuhu. Reliance on the local board funding would reduce under the new model, as the Māngere CAB would receive increased funding of 12 per cent if the $200,000 is retained in the ACABx baseline grant.

Ngā raru tūpono me ngā whakamaurutanga
Risks and mitigations

53. There is a risk that CAB services will be reduced in some communities if funding to bureaux declines as a result of reallocation of funding with the current baseline budget. To mitigate this risk, it is recommended that the additional $200,000 is retained to offset the impact of transitioning to a new funding model.

54. ACABx received feedback from CABs regarding the new model, stating that they do not support targeted funding for deprivation as they consider that it conflicts with the CAB principle of treating all clients equally. Staff consider that including deprivation in the funding model supports the principle of treating all clients equally by using an equitable approach. The Auckland Plan 2050, adopts an equitable approach by prioritising the most vulnerable groups and communities through focusing investment to address disparities and serve communities of greatest need.

55. Some bureaux are concerned that they may not have the capacity to expand services to meet the expectations of increased funding. Staff recommend that bureaux work together to share best practice when developing new service approaches.

56. Bureaux also suggested that the proposed model does not serve rural communities with small populations. This will be addressed in the next phase of the work in the development of the regional network service provision framework.

Ngā koringa ā-muri
Next steps

57. Following council’s decision, staff will negotiate new funding and strategic relationship agreements with ACABx for the 2019-2021 period. This will also include working with ACABx to develop a regional network service provision framework to be completed by 30 September 2020.

58. Any increase in baseline funding to ACABx will need to be considered by the Finance and Performance Committee.
Ngā tāpirihanga
Attachments

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>CAB network in Auckland</td>
<td>127</td>
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<tr>
<td>B</td>
<td>Governing Body decisions 2016 - 2018</td>
<td>129</td>
</tr>
<tr>
<td>C</td>
<td>Overview and assessment of funding models</td>
<td>131</td>
</tr>
<tr>
<td>D</td>
<td>Local board feedback</td>
<td>133</td>
</tr>
</tbody>
</table>

Ngā kaihaina
Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Christine Olsen – Unit Manager, Community Empowerment Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorisers</td>
<td>Graham Bodman - General Manager Arts, Community and Events</td>
</tr>
<tr>
<td></td>
<td>Dean Kimpton - Chief Operating Officer</td>
</tr>
</tbody>
</table>
Attachment A

CAB network in Auckland
## Governing Body decisions 2016 - 2018

<table>
<thead>
<tr>
<th>Meeting and date</th>
<th>Document</th>
<th>Resolution</th>
<th>Decision / Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regional Strategy and Policy Committee 7 April 2016</td>
<td>Item 10</td>
<td>REG/2016/22</td>
<td>Approved funding to ACABx for 2016-2018 and sought review of service following input from local boards</td>
</tr>
<tr>
<td>Environment and Community Committee 10 April 2018</td>
<td>Item 11</td>
<td>ENV/2018/48</td>
<td>Approved funding to ACABx for 2018/2019 conditional on joint development of new funding model</td>
</tr>
<tr>
<td>Governing Body 31 May 2018</td>
<td>Item 10</td>
<td>GB/2018/91 b) xxix)</td>
<td>Approved one-off additional $200,000 funding to ACABx</td>
</tr>
<tr>
<td>Environment and Community Committee July 2018</td>
<td>Item 12</td>
<td>ENV/2018/92</td>
<td>Approved the outcomes for the one-off $200,000 funding to ACABx</td>
</tr>
</tbody>
</table>
## Table 1: Comparative overview of funding models

<table>
<thead>
<tr>
<th>Description</th>
<th>Current model</th>
<th>Council staff model</th>
<th>New model from joint working group</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date</td>
<td>2013-current</td>
<td>2018</td>
<td>2019</td>
</tr>
<tr>
<td>Basis of allocation and date sources</td>
<td>100% population (Census 2013)</td>
<td>70% population (Annual population estimates – Statistics NZ)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>25% client usage (Bureau statistics report)</td>
<td>90% population (Annual population estimates – Statistics New Zealand)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>5% deprivation (Dep13 Deprivation index)</td>
<td>10% deprivation (Dep13 Deprivation index Dep. 8-10, targets 30% highest relative deprivation)</td>
</tr>
<tr>
<td>Model coverage</td>
<td>Excludes Franklin and Great Barrier Island</td>
<td>Excludes Great Barrier Island</td>
<td>Excludes Great Barrier Island</td>
</tr>
<tr>
<td>Local board boundaries</td>
<td>Local board boundaries to cluster level</td>
<td>Local board boundaries to cluster level</td>
<td>Local board boundaries and board subdivisions where applicable to individual bureau level</td>
</tr>
<tr>
<td></td>
<td>Hibiscus and Bays split between north bureaux and CAB North Shore</td>
<td>Hibiscus and Bays split between north bureaux and CAB North Shore</td>
<td>Hibiscus and Bays split between north bureaux and CAB North Shore</td>
</tr>
<tr>
<td></td>
<td>Upper Harbour in CAB North Shore</td>
<td>Upper Harbour equal split between CAB North Shore and WaiCAB</td>
<td>Upper Harbour split at Greenhillthe bridge between CAB North Shore and WaiCAB</td>
</tr>
<tr>
<td></td>
<td>ACABx maintains historic funding relativities between individual bureaux in the north and south</td>
<td>Franklin included in south bureaux funding</td>
<td>Howick Southwest area to Otara; balance to Pakuranga</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Franklin Northeast area to Pakuranga; balance to Papakura</td>
</tr>
</tbody>
</table>
### Table 2: Funding model assessment

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Current model</th>
<th>Council staff model</th>
<th>New model from joint working group (preferred model)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equity</td>
<td>X</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Population growth</td>
<td>X</td>
<td>✓ ✓</td>
<td>✓</td>
</tr>
<tr>
<td>Community need</td>
<td>X</td>
<td>✓ ✓</td>
<td>✓</td>
</tr>
</tbody>
</table>

**Advantages**

- **ACABx used the current funding model to transition to regional funding from legacy arrangements.**
- Uses latest population estimates to reflect future growth
- Deprivation factor supports equity for populations with complex issues and access constraints
- Client usage as a proxy indicator of community need which takes into consideration that service users do not necessarily just access services in the area they live
- More equitable across Auckland with population-based funding covering all the region except Great Barrier Island
- Uses latest population estimates to reflect future growth
- Targeted deprivation factor supports equity for populations with complex issues and access constraints
- Provides platform for Auckland Council and ACABx to work together to develop a regional network provision framework

**Disadvantages**

- The legacy cluster funding arrangements do not provide for service development
- Relies on 2013 census data
- Does not target funding for populations with complex issues and access constraints
- Not supported by CAB
- Redistribution of bureaux funding within current funding envelope could lead to service reduction unless alternative funding is sourced
- Redistribution of bureaux funding within current funding envelope could lead to service reduction unless alternative funding is sourced
Attachment D

Local board feedback

<table>
<thead>
<tr>
<th>Local Board:</th>
<th>Albert-Eden</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meeting Date:</td>
<td>27/03/2019</td>
</tr>
<tr>
<td>Resolution No:</td>
<td>AE/2019/48</td>
</tr>
</tbody>
</table>

That the Albert-Eden Local Board:

a) provide the following feedback on the new model for allocating funding to Citizens Advice Bureaux (based on 90 per cent population and 10 per cent deprivation):

- What are the local board views on the preferred model for allocating funding to CABs, including:
  1. The basis of funding allocation, including the population estimates and deprivation index
  2. Bureau areas served (e.g. alignment with local board boundaries)
  3. Other local funding considerations
  4. Any other local feedback regarding CABs

b) Support the funding model jointly developed by Auckland Council staff and Auckland Citizens Advice Bureau Inc, which is based on 90% population data and 10% population/accessibility. This support is subject to an additional $200,000 funding being provided by Auckland Council to enable the same level of service to be provided by all the different CAB agencies across the Auckland region. The local board does not support a funding model which results in a decrease in the level of service to the Central CAB (CABAC).

c) Support the areas serviced aligning with local board boundaries.

d) Note that population data needs to be regularly updated as population growth is occurring rapidly in some areas, and growth is enabled in the Unitary Plan for the central isthmus area.

e) Request for local boards to be involved in the upcoming regional network provision plan.

Request that reporting be made available to Local Boards and staff in the Arts, Community and Events department to inform locally-driven initiative project planning and development, particularly the Community Empowerment Unit work programmes.

<table>
<thead>
<tr>
<th>Local Board:</th>
<th>Devonport – Takapuna</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meeting Date:</td>
<td>19/03/2019</td>
</tr>
<tr>
<td>Resolution No:</td>
<td>DT/2019/33</td>
</tr>
</tbody>
</table>

That the Devonport-Takapuna Local Board:

a) endorse the funding allocation model based on 90 per cent population and 10 per cent deprivation subject to the Citizens Advice Bureaux in the local board area not receiving a decrease to its current funding allocation.

b) endorse an increase of $200,000 to the baseline grant to Auckland Citizens Advice Bureaux Incorporated in 2019-2021 so that no bureau is worse off under the new funding allocation model.

c) notes that the local board has not been provided any information as to appropriate funding level for Auckland’s Citizens Advice Bureaux.
d) requests that a joint approach be taken between council and Auckland Citizens Advice Bureaux Incorporated in order to determine an appropriate level of funding to ensure functional Citizens Advice Bureaux now and in the future.

<table>
<thead>
<tr>
<th>Local Board:</th>
<th>Franklin</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meeting Date:</td>
<td>26/03/2019</td>
</tr>
<tr>
<td>Resolution No:</td>
<td>FR/2019/28</td>
</tr>
</tbody>
</table>

That the Franklin Local Board:

a) support the preferred jointly developed model (2019) to fund Citizens Advice Bureaux (based on 90 per cent population and 10 per cent deprivation/accessibility).

b) support the request to increase the baseline grant to Auckland Citizens Advice Bureaux Incorporated by $200,000 per annum in 2019-2021 in order to make the changes within the preferred model and maintain current funding and service levels.

c) support that the new model is conditional on the inclusion of the Franklin Local Board area population in the new funding model, noting that significant population growth in Beachlands, Clevedon, Drury, Clarks Beach, Glenbrook and Pukekohe will increase demand on ACABx services.

d) request improved reporting and access to consistent data on the service at both regional and subregional level.

<table>
<thead>
<tr>
<th>Local Board:</th>
<th>Henderson – Massey</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meeting Date:</td>
<td>19/03/2019</td>
</tr>
<tr>
<td>Resolution No:</td>
<td>HM/2019/27</td>
</tr>
</tbody>
</table>

That the Henderson-Massey Local Board:

a) endorse the new model for allocating funding to Citizens Advice Bureaux (based on 90 per cent population and 10 per cent deprivation), and increasing the baseline grant to Auckland Citizens Advice Bureaux Incorporated by $200,000 in 2019-2021.

b) acknowledge the ongoing support of the Citizen Advice Bureaux (CAB), including their many volunteers and Justices of the Peace who provide hours of their time to residents across West Auckland and reconfirm the invitation for the CAB to present to the local board.

<table>
<thead>
<tr>
<th>Local Board:</th>
<th>Hibiscus &amp; Bays</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meeting Date:</td>
<td>20/03/2019</td>
</tr>
<tr>
<td>Resolution No:</td>
<td>HB/2019/22</td>
</tr>
</tbody>
</table>

That the Hibiscus and Bays Local Board:

a) provide the following feedback on the new model for allocating funding to Citizens Advice Bureaux (based on 90 per cent population and 10 per cent deprivation) and on increasing the baseline grant to Auckland Citizens Advice Bureaux Incorporated by $200,000 in the 2019-2021 financial years (refer to Attachment A to the agenda report):

i) support the new model from the joint working group as a basis of allocation, being 90% population (using annual population estimates from Statistics New Zealand) and
10% deprivation (using Dep 13 Deprivation index Dep. 8-10, targets 30% highest level deprivation).

ii) support increasing the baseline grant to Auckland Citizens Advice Bureaux Incorporated by $200,000 in the 2019/2020 and 2020/2021 financial years so that no Citizens Advice Bureau will receive less funding than in 2018/2019.

iii) acknowledge that the Hibiscus and Bays Local Board area is split between the Citizens Advice Bureaux North Shore Cluster (for Browns Bay) and the Hibiscus Coast cluster.

iv) acknowledge that both the Hibiscus Coast Citizens Advice Bureau and the Browns Bay Citizens Advice Bureau work with many clients from outside the local board area.

<table>
<thead>
<tr>
<th>Local Board:</th>
<th>Howick</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meeting Date:</td>
<td>18/03/2019</td>
</tr>
<tr>
<td>Resolution No:</td>
<td>HW/2019/29</td>
</tr>
</tbody>
</table>

That the Howick Local Board:

a) support the preferred jointly developed model (2019) to fund Auckland Citizens Advice Bureaux (ACAB) (based on 90 per cent population and 10 per cent deprivation/availability).

b) support the request for increasing the baseline grant of $200,000 per annum to become a permanent addition to the overall funding from Council in order to make the changes within the preferred model and maintain current funding levels.

c) suggest the accessibility aspect of the funding criteria includes the provision of services to culturally and linguistically diverse populations.

d) support the jointly developed model (2019) for ACAB, which proposes to fund ACAB’s at a bureau level instead of the current cluster level funding.

e) suggest population funding accounts for users who attend services across local board boundaries.

f) request improved reporting and access to consistent data on the service at both a regional and sub-regional level.

g) request the funding allocation calculation is completed bi-annually to take into account population changes in local board areas.

h) request ACAB canvass service provision for Howick and Ormiston in future years.

<table>
<thead>
<tr>
<th>Local Board:</th>
<th>Kaipatiki</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meeting Date:</td>
<td>20/03/2019</td>
</tr>
<tr>
<td>Resolution No:</td>
<td>KT/2019/29</td>
</tr>
</tbody>
</table>

That the Kaipatiki Local Board:

a) provide the following feedback on the new model for allocating funding to Citizens Advice Bureaux:

i) endorse the funding allocation model based on 90 per cent population and 10 per cent deprivation, subject to the Citizens Advice Bureaux in Kaipatiki (Birkenhead, Glenfield and Northcote) not receiving a decrease to their current funding allocation.
ii. endorse an increase of $200,000 to the baseline grant to Auckland Citizens Advice Bureaux Incorporated in 2019 – 2021, so that no bureau is financially worse off under the new funding allocation model.

iii. request council advocate to central government to provide greater financial support to Citizens Advice Bureaux in Auckland, noting the significant service and support Citizens Advice Bureaux provide the community on central government matters.

iv. acknowledge the hard work and dedication of Kapaatiki (Birkenhead, Glenfield and Northcote) Citizens Advice Bureaux volunteers and the important work that they do in the community.

### Local Board: Māngere-Ōtāhuhu

<table>
<thead>
<tr>
<th>Meeting Date:</th>
<th>20/03/2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resolution No:</td>
<td>MO/2019/26</td>
</tr>
</tbody>
</table>

That the Māngere-Ōtāhuhu Local Board:

a) approve the attached feedback tabled at the meeting on the new model for allocating funding to Citizens Advice Bureaux.

What are the local board views on the preferred model for allocating funding to CABs, including:

1. **The basis of funding allocation, including the population estimates and deprivation index**
   - The board support the approach of using deprivation/accessibility allocation for specific initiatives to enhance access to services (i.e. not just a funding top-up).
   - The board request that a greater weightage of 20 per cent be placed on the factor of deprivation, and the model be readjusted.
   - The current proposed model does not reflect service requirements and funding provision for areas of Auckland where communities are living with high service needs and access constraints.
   - The board suggest the accessibility aspect of the funding criteria includes the provision of services to culturally and linguistically diverse populations.

2. **Bureau areas served (eg alignment with local board boundaries)**
   - The board support the approach to fund ACAB’s at a bureau level instead of the current cluster level funding.
   - The board support funding that accounts for users who attend services across local board boundaries, as the local area is where people transit through to the airport and emerging industrial areas for employment, and a transient local community.

3. **Other local funding considerations**
   - The board endorse the request for the additional regional funding of $200,000 per annum to become a permanent addition to the overall funding from Council in order to make the changes within the preferred model and maintain current funding levels.
   - The Māngere-Ōtāhuhu Local Board have through Locally Driven Initiatives budget, funded the Māngere CAB to run a service the past few years in the absence of regional funding support. The future planning and operational funding must ensure maintaining these services levels in Ōtāhuhu. (See also board resolution from its meeting on 20 Feb 2019, Resolution number MO/2019/9).
4. Any other local feedback regarding CABs

The board request improved reporting and access to consistent data on the service at both a regional and sub-regional level.

The board request the funding allocation calculation is completed more regularly to take into account population changes in local board areas noting that there is significant growth and development taking place in Māngere-Ōtāhuhu.

The board ask that short to medium term planning must consider development changes in the local board area. Of significance is the implementation underway in the International Airport, with its growing business area and a large working population who rely on local services. Māngere has had and will continue to have significant transport improvements in the foreseeable future which places a demand to services at the local level.

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<table>
<thead>
<tr>
<th>Local Board:</th>
<th>Manurewa</th>
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<tbody>
<tr>
<td>Meeting Date:</td>
<td>21/03/2019</td>
</tr>
<tr>
<td>Resolution No:</td>
<td>MR/2019/36</td>
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That the Manurewa Local Board:

a) provide feedback on the new model for allocating funding to Citizens Advice Bureaux (based on 90 per cent population and 10 per cent deprivation).

b) provide feedback on increasing the baseline grant to Auckland Citizens Advice Bureaux Incorporated by $200,000 in 2019-2021.

c) provide the following feedback:

What are the local board views on the preferred model for allocating funding to CABs, including:

1. The basis of funding allocation, including the population estimates and deprivation index

   • The board supports the addition of deprivation as a factor in the agreed model.

   • However, the board believes that the 10% weighting given to the deprivation index is insufficient to account for the increased needs that bureaux in areas of high deprivation are required to meet.

   • The board also believes that the agreed model does not have the flexibility to account for unique features of each bureau area. For example, the Manurewa CAB receives a high level of patronage from newly released inmates due to the presence of two prisons in the local area. The two prisons also have an 0800 number which takes them directly to the Manurewa CAB.

   • Other factors which should be taken into account include literacy rates and the proportion of the local population for whom English is a second language, as these also require the local CAB to spend more time and resources to service the client.

2. Bureau areas served (eg alignment with local board boundaries)

   • The board agrees with the current alignment of the area served with the local board boundary.

3. Other local funding considerations

   • The board supports the proposed $200,000 per annum to maintain current service levels for all bureaux in Auckland.
The board believes that the overall funding for CAB from council should be adjusted annually by at least the level of inflation. If funding is frozen at the current level, even with the addition of the proposed $200,000, it will not be sufficient to guarantee that service levels will be able to be maintained in later years.

Consideration should also be given to providing funding for expanding services where required. For example, the Manurewa CAB has opened a satellite bureau in Clendon town centre due to the high needs of the population there.

4. Any other local feedback regarding CABs

- The board would like Auckland Council to advocate to central government for them to also increase their funding to the CAB. The majority of services offered by CAB support central government agencies rather than local government functions, so it is inequitable to expect local authorities to provide the largest source of funding for them.

4. Any other local feedback regarding CABs

d) request that a copy of this feedback be forwarded to all local boards for their information.

### Local Board: Maungakiekie - Tamaki

**Meeting Date:** 26/03/2019

**Resolution No:** MT/2019/21

That the Maungakiekie - Tamaki Local Board:

- **a) endorse the new model for allocating funding to Citizens Advice Bureaux (based on 90 per cent population and 10 per cent deprivation) and on increasing the baseline grant to Auckland Citizens Advice Bureaux Incorporated by $200,000 in 2019-2021 (refer to Attachment A to the agenda report).**
Environment and Community Committee
14 May 2019

Allocation of funding to Citizens Advice Bureaux

<table>
<thead>
<tr>
<th>Local Board</th>
<th>Ōrākei</th>
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<tbody>
<tr>
<td>Meeting Date</td>
<td>21/03/2019</td>
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<tr>
<td>Resolution No</td>
<td>OR/2019/35</td>
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That the Ōrākei Local Board approve its feedback on the new Citizens Advice Bureaux (CAB) Funding allocation model – March 2019 as tabled:

- What are the local board views on the preferred model for allocating funding to CABs, including:
  1. The basis of funding allocation, including the population estimates and deprivation index
  2. Bureau areas served (e.g. alignment with local board boundaries)
  3. Other local funding considerations
  4. Any other local feedback regarding CABs

1. The Ōrākei Local Board prefers a 100% funding-based allocation, but supports the recommended 90:10 model.
2. It is unclear how well bureau areas are served as information is not available (despite being requested) as to where enquiries originate from. In terms of walk-ins, the CAB in the OLB area (currently in Remuera) sees only a handful of walk-ins per day and this appears to be declining. We suspect our constituents also visit Glen Innes, Panmure and CABx near their workplaces, such as at the Auckland Library. Currently the CAB is not centrally located in the Local Board area.

   We also note that most enquiries are not contingent on a local CAB as most enquiries are by phone or on-line and so local board boundaries become irrelevant to the service that CABs provide, and from a community perspective most people are unaware or not concerned with Local Board boundaries if they want to visit a CAB.

3. The Board would like to see signs that the CABs are exploring alternative business models to enable them to be more agile in adapting their service provision via Council facilities and other venues, by using other funding and operating mechanisms

4. The Ōrākei Local Board recently made a decision to sell a site which supports a CAB office in order to raise revenue to fund the redevelopment of a much-needed fit-for-purpose community centre in its area. The Board is looking to relocate the CAB to another community centre while the redevelopment occurs. This is an example of how flexibility should be encouraged in how CAB services are provided in the Local Board area.

   Not only should a Local Board have the flexibility to change funding and service provision arrangements as local circumstances and community needs change, the CABx should be moving to more flexible ways of operating and not be solely reliant on Council accommodating them. Other organisations, work on a pack-in/pack-out basis, enabling the community space to be used by other groups when they are not there.

   Last year, in considering the three options presented, the Ōrākei Local Board had a preference for Option 3 - Regional Service Provision, which enables better alignment with Local Board Plan outcomes, a more tailored response to local needs and therefore the ability to review the funding of local CABx.
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<tr>
<th>Local Board:</th>
<th>Ōtara-Papatoetoe</th>
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<tr>
<td>Meeting Date:</td>
<td>19/03/2019</td>
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<tr>
<td>Resolution No:</td>
<td>OP/2019/28</td>
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That the Ōtara-Papatoetoe Local Board:

a) approve the attached feedback on the new model for allocating funding to Citizens Advice Bureaux.

What are the local board views on the preferred model for allocating funding to CABs, including:

1. The basis of funding allocation, including the population estimates and deprivation index

The Ōtara-Papatoetoe Local Board acknowledges that a lot of work has gone into developing a model that is acceptable to all CABs.

In that regard we agree to support the model of funding Auckland Citizens Advice Bureaux (ACAB) equitably based on population and deprivation/accessibility.

However, we are very concerned that this model now results in a decrease to the Ōtara CAB funding even though Ōtara CAB is an area of high deprivation.

If the current funding levels of Ōtara CAB are at their current level based on need, then a reduction in funding will disadvantage the local community and other people who use this service in Ōtara.

We recommend that there should be more weight put on deprivation (20%-30%). High population does not necessarily equate to higher usage, in fact Ōtara sees higher usage. Under the proposed model, the more affluent area such as Howick will get more funding because population has such a heavy weighting.

We understand CAB initial feedback was to not include usage because it disguises the complexity. However, Ōtara would have high usage plus complexity, yet it is getting less money.

We also recommend that the accessibility aspect of the funding criteria includes the provision of services to culturally and linguistically diverse populations – based on the population that each bureau serves.

2. Bureau areas served (e.g. alignment with local board boundaries)

The board supports the proposal to fund ACABs at a bureau level instead of the current cluster level funding and would like to see that population funding accounts for users who attend services across local board boundaries.

3. Other local funding considerations

If the deprivation percentage is not increased the board will only endorse the request for the additional funding of $200,000 per annum if it becomes a permanent addition to the overall funding from Council. This will complement the changes within the preferred model and maintain current funding levels.

This funding is crucial to addressing the reduction that Ōtara CAB will have if we maintain the current funding level.

4. Any other local feedback regarding CABs

The board requests improved reporting and access to consistent data on the service at both a regional and sub-regional level.

The board requests the funding allocation calculation is completed bi-annually to take into account population changes in local board areas.
That the Papakura Local Board:

a) support, in general, the new model for allocating funding to Citizens Advice Bureaux (based on 90 per cent population and 10 per cent deprivation).

b) support increasing the baseline grant to Auckland Citizens Advice Bureaux Incorporated by $200,000 in 2019/2021.

c) provide the following feedback on the new model for allocating funding to Citizens Advice Bureaux (based on 90 per cent population and 10 per cent deprivation):

What are the local board views on the preferred model for allocating funding to CABs, including:

1. The basis of funding allocation, including the population estimates and deprivation index.

2. Bureau areas served (e.g. alignment with local board boundaries)

The Papakura Local Board in general supports the preferred jointly developed model (2019) to fund Auckland Citizens Advice Bureaux (ACAB), i.e. Population (90%); Deprivation/Accessibility (10%).

The Papakura Local Board agree with the jointly developed 2019 model for “local board boundaries and subdivisions to bureau level”, noting that:

- Local Board boundaries and subdivisions to bureau level means that local board populations have been assigned to individual bureaux to make the population based calculations in the funding model. This compares to the current model where population based funding is set for the southern cluster of CABs and then apportioned to individual bureaux on legacy funding rates. In the current model Franklin population is not included in the southern cluster calculations.

- In the preferred model Papakura Local Board area population and most of Franklin Local Board area (with the exception of Maraatai / Beachlands which goes to Pakuranga CAB) is assigned to Papakura CAB.

- It is noted that to moderate the funding redistribution impact between bureaux, population factor based increases in funding to CAB would be capped at 10 per cent.

- The assignment of population will help set a basis for the regional network service provision piece of work ie: on how to encourage good access to the service across Auckland.

The board welcomes the acknowledgement that the Papakura CAB provides services for clients from the Franklin Local Board area.

It is important for the CAB to maintain its identity as outsourcing, for example to a legal firm, will create confusion for the users.

The Papakura Local Board support the proposed additional $200,000 per annum to make the changes within the preferred 2019 jointly developed model and maintain current service levels.
4. Any other local feedback regarding CABs

The board questions whether this additional sum will keep pace with the rapid growth occurring in the Auckland region.

The Papakura CAB has reached capacity and is in desperate need of a larger facility.

The board requests that the funding allocation calculation be completed bi-annually to take into account population changes in local board areas.

There is significant growth occurring in and around Papakura and along the Franklin / Papakura Local Board boundary. The opening of a Franklin service will not necessarily impact on the Papakura CAB office.

The CAB relies heavily on volunteers. Underfunding causes tension and stress for the volunteers which impacts on retention.

d) request that a copy of this feedback be forwarded to the Franklin Local Board for its information.

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**Attachment D**

**Item 11**

**Local Board:** Puketāpapa

**Meeting Date:** 21/03/2019

**Resolution No.:** PKTPP/2019/30

That the Puketāpapa Local Board:

a) endorse the new model for allocating funding to Citizens Advice Bureaux (based on 90 percent population and 10 percent deprivation), and increasing the baseline grant to Auckland Citizens Advice Bureaux Incorporated by $200,000 in 2019-2021 as a pragmatic decision.

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**Local Board:** Rodney

**Meeting Date:** 21/03/2019

**Resolution No.:** RD/2019/18

That the Rodney Local Board:

a) provide the following feedback on the new model for allocating funding to Citizens Advice Bureaux (based on 90 per cent population and 10 per cent deprivation) and on increasing the baseline grant to Auckland Citizens Advice Bureaux Incorporated by $200,000 in 2019-2021 (refer to Attachment A to the agenda report):

i. do not support any changes to the funding model at this time, as the quality of data available from Citizens Advice Bureaux on their usage and local demand is not sufficient or consistent between bureaux to enable the local board to provide informed feedback

ii. note that it is not clear from the information provided what the impact of the proposed new funding model will be on the provision of services by individual bureaux and whether this is the best outcome for our communities

iii. recommend that the Governing Body continue the status quo level of funding for Citizens Advice Bureaux, and defer a decision on any future funding model until the Auckland Citizens Advice Bureaux Incorporated can provide reliable and consistent data on the usage of bureaux across the region that can clearly illustrate what the impact of any funding allocation model will be on individual bureaux
iv. note that the Rodney Local Board is not resourced to support the two bureaux in its local board area (Helmensville and Wellsford), both of which stand to have their funding cut under the proposed model (unless there is a regional top up in funding).

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<thead>
<tr>
<th>Local Board</th>
<th>Upper Harbour</th>
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<tr>
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<td>Resolution No:</td>
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That the Upper Harbour Local Board:

a) does not have a view regarding the proposed ‘re-balancing’ of funding from Citizens Advice Bureau North Shore to WaICAB, as:
   i. the agenda report contains no information around the impact, either positive or negative, that any potential ‘re-balancing’ may have on Upper Harbour residents
   ii. the local board has received no information or advice to date on how and where Upper Harbour residents choose to access services provided by Citizens Advice Bureaux
   iii. the local board has received no information to date with regard to the types of services Upper Harbour residents seek from Citizens Advice Bureaux.

b) does not support a funding model based on 90 per cent population and 10 per cent deprivation because Upper Harbour has a very high proportion of residents who are migrants and as such, many will have as complex needs as those facing higher levels of deprivation.

c) note that there are no Citizens Advice Bureaux within the Upper Harbour area and that libraries also provide a portal into information to help Citizens Advice Bureau clients address issues.

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<thead>
<tr>
<th>Local Board</th>
<th>Waiheke</th>
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<td>Resolution No:</td>
<td>WHK/2019/61</td>
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That the Waiheke Local Board:

a) support increasing the baseline grant to Auckland Citizens Advice Bureaux Incorporated by $200,000 per annum in 2019-2021 (refer to Attachment A to the agenda report).

b) reiterate previous feedback given on the existing Auckland Citizens Advice Bureaux model and the Waiheke service.

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<thead>
<tr>
<th>Local Board</th>
<th>Waitākere Ranges</th>
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<tbody>
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<tr>
<td>Resolution No:</td>
<td>WTK/2019/31</td>
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</table>

That the Waitākere Ranges Local Board:

a) endorse the new model for allocating funding to Citizens Advice Bureaux (based on 90 per cent population and 10 per cent deprivation) and increasing the baseline grant to Auckland Citizens Advice Bureaux Incorporated by $200,000 in 2019-2021.
That the Waitematā Local Board:

a) approve feedback on the new model for allocating funding to Citizens Advice Bureaux (based on 90 per cent population and 10 per cent deprivation) and on increasing the baseline grant to Auckland Citizens Advice Bureaux Incorporated by $200,000 in 2019-2021 (refer to Attachment A to the agenda report).

b) support the retention of the additional $200,000 to be incorporated in the baseline grant from 2019-2021 provided to the Auckland Citizens Advice Bureaux Incorporated, making a total grant of $2,067,000 given their vital and effective role.

c) support the proposed new model for allocating funding for the CABx only on the condition the additional $200,000 grant is retained.

d) if the additional $200,000 grant is not retained, confirm its preference for what is described as the Council Staff model, because it would ensure adequate funding for Central Auckland CABx which have high client usage by vulnerable people.

e) express its appreciation for the funding provided by Auckland Citizens Advice Bureaux Auckland Central, which were under financial pressure and note that this was enabled by the additional $200,000 council grant in the current financial year.

That the Whau Local Board:

a) endorse the new model for allocating funding to Citizens Advice Bureaux (based on 90 per cent population and 10 per cent deprivation) and increasing the baseline grant to Auckland Citizens Advice Bureaux Incorporated by $200,000 in 2019-2021.

b) note that consideration is being given to the integration of Citizens Advice Bureau office space within the planned Avondale multipurpose centre.
Te take mō te pūrongo

Purpose of the report
1. To note progress on the forward work programme (Attachment A)
2. To provide a public record of memos, workshop or briefing papers that have been distributed for the Committee's information since 9 April 2019.

Whakarāpopototanga matua

Executive summary
3. This is regular information-only report which aims to provide public visibility of information circulated to committee members via memo or other means, where no decisions are required.
4. The following papers/memos were circulated to members:

<table>
<thead>
<tr>
<th>Date</th>
<th>Subject</th>
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<tbody>
<tr>
<td>3/4/2019</td>
<td>Letter to CE’s Territorial Authorities – DoC proposal to revoke some Reserves Act delegations</td>
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<tr>
<td>9/4/2019</td>
<td>International Engagement Activity Update – April 2019</td>
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<tr>
<td>11/4/2019</td>
<td>Local Government NZ draft response re: DoC proposal to revoke Reserves Act delegations</td>
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<tr>
<td>16/4/2019</td>
<td>Submission – Ministry of Social Development on the draft ageing strategy Better later life – He Oranga Kaumātua 2019 to 2034</td>
</tr>
<tr>
<td>16/4/2019</td>
<td>Auckland Council Draft submission (for feedback) re: DoC proposal to revoke Reserves Act delegations</td>
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<tr>
<td>18/4/2019</td>
<td>Network Discharge Consent and Advice of Decision</td>
</tr>
<tr>
<td>2/5/2019</td>
<td>International Engagement Activity Memo – May 2019</td>
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<tr>
<td>3/5/2019</td>
<td>Age-friendly Auckland Project</td>
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<tr>
<td>6/05/2019</td>
<td>Memorandum from Waiheke Local Board</td>
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5. The following workshops/briefings have taken place

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<th>Date</th>
<th>Subject</th>
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<tr>
<td>10/4/2019</td>
<td>DoC proposal to revoke Reserves Act delegations</td>
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<tr>
<td>10/04/2019</td>
<td>Citizens Advice Bureaux (CAB) funding model - CONFIDENTIAL</td>
</tr>
<tr>
<td>18/04/2019</td>
<td>Climate Change Action Plan</td>
</tr>
</tbody>
</table>
6. Note that staff will not be present to answer questions about the items referred to in this summary. Committee members should direct any questions to the authors.

7. This document can be found on the Auckland Council website, at the following link: http://infocouncil.aucklandcouncil.govt.nz/
   - at the top of the page, select meeting “Environment and Community Committee” from the drop-down tab and click ‘View’;
   - under ‘Attachments’, select either the HTML or PDF version of the document entitled ‘Extra Attachments’.

Ngā tūtohunga
Recommendation/s
That the Environment and Community Committee:


Ngā tāpirihanga
Attachments

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<tr>
<td>A</td>
<td>Forward Work Programme</td>
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<td>B</td>
<td>Letter to CE's Territorial Authorities - DoC proposal to revoke some Reserves Act delegations (Under Separate Cover)</td>
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<tr>
<td>C</td>
<td>International Engagement Activity Update - April 2019 (Under Separate Cover)</td>
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<td>D</td>
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<td>workshop_DoC proposal to revoke Reserves Act delegations (Under Separate Cover)</td>
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<td>workshop_Climate Change Action Plan (Under Separate Cover)</td>
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<td>L</td>
<td>Memorandum from Waiheke Local Board to Cr Penny Hulse, Chair Environment and Community Committee</td>
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Ngā kaihaina
Signatories

<table>
<thead>
<tr>
<th>Authors</th>
<th>Maea Petherick - Senior Governance Advisor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorisers</td>
<td>Dean Kimpton - Chief Operating Officer</td>
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</table>
Committee Priorities:
1. Clearly demonstrate that Auckland is making progress with climate change adaptation and mitigation and taking action to reduce greenhouse gas emissions
2. Enable green growth with a focus on improved water quality, pest eradication and ecological restoration
3. Strengthen communities and enable Aucklanders to be active and connected
4. Make measurable progress towards the social and community aspects of housing all Aucklanders in secure, healthy homes they can afford
5. Grow skills and a local workforce to support economic growth in Auckland

The work of the committee will:
- Deliver on the outcomes in the Auckland Plan
- Be focused on initiatives that have a high impact
- Meet the Council’s statutory obligations, including funding allocation decisions
- Increase the public’s trust and confidence in the organisation.

<table>
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<tr>
<th>Area of work</th>
<th>Reason for work</th>
<th>Decision or direction</th>
<th>Expected timeframes</th>
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<tr>
<td>Strategic approach to</td>
<td>To demonstrate that Auckland is making progress with climate change adaptation and mitigation and taking action to reduce emissions.</td>
<td>Strategic direction will be provided in the coming months.</td>
<td>Progress to date: A summary of activities to prepare for climate change was given in the presentation on 8/8/17 meeting. Report was considered on 20/2/18, resolution ENV/2018/11 Dec 18 – approval for consultation Feb – Mar 19 - targeted public engagement Apr 19 – feedback presented to elected members Jun 19 – final strategy for adoption</td>
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<tr>
<td>Area of work</td>
<td>Reason for work</td>
<td>Decision or direction</td>
<td>Expected timeframes Quarter (month if known)</td>
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<td>Low carbon living</td>
<td>To deliver on Low Carbon Auckland Plan commitments by the design and implementation of awareness raising and incentives programmes to reduce household, community, business and schools carbon emissions by approximately 50% of current levels.</td>
<td><strong>Strategic direction and endorse</strong> programmes as part of the Low Carbon Auckland Plan implementation.</td>
<td>FY18/19</td>
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|                                 |                                                                                                                                                                                                             | **Progress to date:**  
|                                 |                                                                                                                                                                                                             | Report was considered at 20/2/18 meeting. Res ENV/2018/11 report back in Dec 18 for a decision. Independent Advisory Group (IAG) was approved. Chairs Planning and Env & Community Ctee's, an IMSB member and the Mayor’s office to decide on the membership of the IAG. | Q3 Q4 Q1 |
|                                 |                                                                                                                                                                                                             | **Q3**  |
|                                 |                                                                                                                                                                                                             | **Q4**  |
|                                 |                                                                                                                                                                                                             | **Q1**  |
|                                 | Four-yearly review of strategic action plan due in 2018; increased engagement with and commitments via C40 Cities membership; development of proactive policy agenda to central government emerging. | **Decision and endorsement** of strategic direction                                                                                                                                                                                                                                           |                                            |
|                                 | **Climate Plan Workshop:**  
|                                 | Risks and vulnerabilities (June)  
|                                 | • Committee workshop on risks and vulnerabilities  
|                                 | • Communication strategy for broader public engagement  
|                                 | • Local Board workshops  
|                                 | • Mana whenua engagement (integrated throughout)  
|                                 | • Stakeholder workshops  
|                                 | Prioritisation criteria and identified actions (Jul/Aug)  
|                                 | • Cost benefit and total value analysis  
|                                 | • Agree prioritisation criteria  
|                                 | • Review all actions  
|                                 | • Draft plan  
|                                 | • Draft plan to committee (Dec 2018)  
|                                 | • Consultation (linking to other plans, approach tbc)  
|                                 | • Updates to action plan  
|                                 | • Adoption of updated plan by council (Proposed December 2018)  
|                                 | • Final Adoption of Climate Plan (Mar 09)  
|                                 |                                                                                                                                                    | **Progress to date:**  
|                                 |                                                                                                                                                    | Report was considered at 20/2/18 meeting. Res ENV/2018/11 report back in Dec 18 for a decision. Independent Advisory Group was approved. Workshops scheduled: 4/7/18 and 26/09/18. An update was on 12/06/18 meeting agenda. Report reapplication for C40 Cities membership was considered at 13/11/2018 meeting. Res ENV/2018/149 reapplication for membership was approved. | Q3 Q4 Q1 |
|                                 |                                                                                                                                                    | **Q3**  |
|                                 |                                                                                                                                                    | **Q4**  |
|                                 |                                                                                                                                                    | **Q1**  |
| Urban Forest Strategy           | Strategic approach to delivering on the wider social, economic and environmental benefits of a growing urban forest in the context of rapid population growth and intensification. | **Decision** on strategic direction and endorsement of strategy.                                                                                                                                                                                                                              | FY19/20 |
|                                 |                                                                                                                                                                                                             | **Progress to date:**  
|                                 |                                                                                                                                                                                                             | A workshop was held on 14/06/17. Report was considered on 12/09/17 ENV/2017/116 a full draft of the strategy was considered 20/02/18, res ENV/2018/12 with a report back on the results of the LIDAR and an implementation plan on costs and benefits in Aug 2018. An update was included in the 14 Aug agenda regarding several workstreams covered by the 18 high level implementation actions. A report on a full progress on implementing the strategy will be in August 2019. | Q3 Q4 Q1 |
|                                 |                                                                                                                                                                                                             | **Q3**  |
|                                 |                                                                                                                                                                                                             | **Q4**  |
|                                 |                                                                                                                                                                                                             | **Q1**  |
|                                 |                                                                                                                                                                                                             | **(Aug19)** |

Summary of Environment and Community Committee Information - updates, memos and briefings - 14 May 2019
<table>
<thead>
<tr>
<th>Area of work</th>
<th>Reason for work</th>
<th>Decision or direction</th>
<th>Expected timeframes Quarter (month if known)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allocation of the Waste Minimisation and Innovation Fund</td>
<td>Decision making over medium and large funds from the Waste Minimisation and Innovation fund in line with the fund’s adopted policy. Funds to contribute towards council’s aspirational goal of zero waste to landfill by 2040. Full review of the Waste Minimisation and Innovation Fund will be undertaken. Outcomes provided with the section 17a review report in March 2019.</td>
<td>Decision on the annual allocation of the Waste Minimisation and Innovation Fund for the 2018-2019 financial year. Decision: Approval of allocation of September 2016 funding round Resolution ENV/2016/19 Item C5. Approval of grants in Dec 17</td>
<td>Q3 (Mar) Q4 Q1</td>
</tr>
<tr>
<td>Auckland’s water strategy</td>
<td>The health of Auckland’s waters is a critical issue. Both freshwater and marine environments in Auckland are under pressure from historic under-investment, climate change and rapid growth. The draft Auckland Plan 2050 identifies the need to proactively adapt to a changing water future and develop long-term solutions.</td>
<td>Decision and strategic direction and priorities as part of the Auckland Plan. Consider the development of an Auckland’s waters strategy to be adopted for consultation December 2018.</td>
<td>Q4 (June 19)</td>
</tr>
</tbody>
</table>
### Region Pest Management Plan review

<table>
<thead>
<tr>
<th>Area of work</th>
<th>Reason for work</th>
<th>Decision or direction</th>
<th>Expected timeframes</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Statutory obligations under the Biosecurity Act to control weeds and animal pests. To ensure that the plan is consistent with the national policy direction and up to date.</td>
<td>Workshop – April water discussion document, and to foreshadow and seek the councillors’ input on the contents of the report that will be coming to them in June</td>
<td>FY18/19</td>
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<td></td>
<td></td>
<td>Workshops held on 4/04/17, 3/05/17 and 27/09/17 Draft plan was approved for consultation in Nov 2017 Funding for implementation of the proposed RPMP through LTP. A memo was distributed and is attached to the July agenda. Key milestones: • workshops with local boards on public feedback – September - October 2018 • workshops with local boards on public feedback – September - October 2018 • engagement with mana whenua – September – October 2018 • workshop with Environment and Community Committee – October – November 2018 • formal feedback from local boards at business meetings – October – November 2018 • approval of final plan by Environment and Community Committee – March 2019</td>
<td>FY18/19</td>
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<tr>
<td></td>
<td></td>
<td>Decision and strategic direction on weed and plants that will be subject to statutory controls. Consider submissions received on the draft plan in mid-2018 and adopt the final plan by December 2018. Decision: Agreed to the inconsistencies in ACT at the 14 Feb 2017 ENV/2017/7 Item 12 Workshops held on 4/04/17, 3/05/17 and 27/09/17 Draft plan was approved for consultation in Nov 2017 Funding for implementation of the proposed RPMP through LTP. A memo was distributed and is attached to the July agenda. Key milestones: • workshops with local boards on public feedback – September - October 2018 • workshops with local boards on public feedback – September - October 2018 • engagement with mana whenua – September – October 2018 • workshop with Environment and Community Committee – October – November 2018 • formal feedback from local boards at business meetings – October – November 2018 • approval of final plan by Environment and Community Committee – March 2019</td>
<td>FY18/19</td>
</tr>
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<td></td>
<td></td>
<td>Expected timeframes</td>
<td>Q3 (Mar)</td>
</tr>
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</table>

**Progress to date:**

12 March 2019 report to consider the adoption of the Regional Pest Management Plan 2019-2019. Adoption was approved and the motion was put in parts ENV/2019/22 – ENV/2019/32
<table>
<thead>
<tr>
<th>Area of work</th>
<th>Reason for work</th>
<th>Decision or direction</th>
<th>Expected timeframes Quarter (month if known)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inter-regional marine pest pathway management plan</td>
<td>To ensure the plan is consistent with Auckland Council's: - proposed Regional Pest Management Plan - current and future marine biosecurity programmes - response to SeaChange – Tai Timu Tai Pari Hauraki Gulf Marine Spatial Plan.</td>
<td>Decision on the development of the discussion document for an inter-regional marine pest pathway management plan for public consultation. A memo was distributed on 31/05/18 advising the committee on the Auckland Council’s participation in the development of a discussion document for an inter-regional marine pest pathway management plan, through the Top of the North Marine Biosecurity partnership. <strong>Progress to date:</strong> 12 February 2019 <a href="#">report</a> To approve the discussion document for an inter-regional marine pest pathway management plan, ahead of informal public consultation between March and May 2019. Res ENV/2019/9</td>
<td>FY18/19 FY19/20</td>
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<td></td>
<td></td>
<td></td>
<td>12 Feb 12 March</td>
</tr>
<tr>
<td>Allocation of the Regional Natural Heritage Grant</td>
<td>Decision-making over regional environment fund as per the grants funding policy and fund guidelines</td>
<td>Decision on the annual allocation of the Waste Minimisation and Innovation Fund for the 2018-2019 financial year. Allocation of the Regional Environmental Natural Heritage Grant for the 2017-2018 financial year was made on 6 Dec 2016_ENV/2016/11 Item 15</td>
<td>Q3 Q4 Q1</td>
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<td>Progress to date</td>
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<td>Progress to date</td>
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<tr>
<td>National Policy Statement for Freshwater Management</td>
<td>The National Policy Statement for Freshwater Management is being implemented, with periodic reporting to council committee on progress, and responding to ongoing central government refinement of the framework for achieving water outcomes. In December 2018 further decisions will be sought under the national policy statement, including: - approve final targets for swim-ability of major</td>
<td>Progress to date: Council submission was approved on Central Govt. Clean Water Consultation 2017 process: Minutes of 4 April ENV/2017/54 Item 12. Follow up is required for resolution b) – a workshop held on 14 June. A supplementary submission on the Clean Water Consultation package was made on 25 May 2017. Item 14 13/06/17 Decision ENV/2018/14 on engagement approach for consultation on the National Policy Statement for Freshwater Management in Feb 2018. A <a href="#">report</a> was considered on 26/6/18: Res ENV/2018/78</td>
<td>Q3 Q4 Q1</td>
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<td>Progress to date</td>
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</table>
### Attachment A

#### Item 12

<table>
<thead>
<tr>
<th>Area of work</th>
<th>Reason for work</th>
<th>Decision or direction</th>
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</thead>
<tbody>
<tr>
<td>rivers in the Auckland region</td>
<td>• approve the updated Progressive Implementation Plan for the National Policy Statement for Freshwater Management</td>
<td>• June 2018: develop strategy</td>
</tr>
<tr>
<td></td>
<td>• July to Oct 2018 – High level regional options are developed and assessed for the five draft themes in consultation with mana whenua, local boards and key stakeholders.</td>
<td>• July to Oct 2018 – High level regional options are developed and assessed for the five draft themes in consultation with mana whenua, local boards and key stakeholders.</td>
</tr>
<tr>
<td></td>
<td>• Dec 2018- Draft Auckland's waters strategy presented to Environment and Community Committee for approval for release for public consultation</td>
<td>• Dec 2018- Draft Auckland's waters strategy presented to Environment and Community Committee for approval for release for public consultation</td>
</tr>
<tr>
<td></td>
<td>• Feb to Apr 2019 - Targeted public engagement on the draft Auckland's waters strategy in February to March 2019.</td>
<td>• Feb to Apr 2019 - Targeted public engagement on the draft Auckland's waters strategy in February to March 2019.</td>
</tr>
<tr>
<td></td>
<td>• Apr 2019 - Feedback analysed and presented to elected members in April 2019</td>
<td>• Apr 2019 - Feedback analysed and presented to elected members in April 2019</td>
</tr>
<tr>
<td></td>
<td>• Jun 2019 - Final strategy presented to Environment and Community Committee for adoption</td>
<td>• Jun 2019 - Final strategy presented to Environment and Community Committee for adoption</td>
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<tr>
<td></td>
<td><strong>Next steps:</strong></td>
<td><strong>Progress to date:</strong></td>
</tr>
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<td></td>
<td>• public engagement feedback presented to elected members – April 2019</td>
<td><strong>Decision</strong> <strong>on food policy alliance</strong></td>
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<td></td>
<td>• Draft options for the finalisation of the Auckland Water Strategy, and associated work programmes to be presented to the Environment and Community Committee – June 2019</td>
<td>Q3 (Mar)  TBC</td>
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<td><strong>Strategic direction and oversight into council’s role to improve the natural environment, and to endorse proposed incentives.</strong> This may include endorsing:</td>
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<td>• a framework to ensure planning and growth decisions are underpinned by relevant environmental data</td>
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<td>• proposed incentives for green growth</td>
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<td>• recommendations arising from a current state statutory obligations review.</td>
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<tr>
<td><strong>Food Policy Alliance</strong></td>
<td>To consider food policy alliance</td>
<td></td>
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<tr>
<td><strong>Auckland Growing Greener</strong></td>
<td>Statutory obligations under the Resource Management Act, Biosecurity Act and Local Government Act. Consideration of items to give effect to the adopted commitment of Auckland Council to grow greener.</td>
<td></td>
</tr>
<tr>
<td><strong>Hunua Aerial 1080 Operation</strong></td>
<td>Provide information on outcomes of the Hunua 1080 aerial pest control operation</td>
<td>To note outcomes of the Hunua 1080 aerial pest control operation.</td>
</tr>
</tbody>
</table>

#### Expected timeframes

<table>
<thead>
<tr>
<th>Area of work</th>
<th>FY18/19</th>
<th>FY19/20</th>
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<tbody>
<tr>
<td></td>
<td>12 Feb</td>
<td>9 April</td>
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<td>Area of work</td>
<td>Reason for work</td>
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**Parks, Sports and Recreation**

**Sport and Rec Strategic Partnership Grant to Aktive Auck Sports Rec**

Approval of $552,000 strategic partnership grant to Aktive Auck & Sport to deliver on agreed priority initiatives.  
2019 reporting schedule:  
- January 2019 - Interim report from 1 July – 31 December 2018  
- June 2019 - confirm 2019/20 priorities, outcomes and measures  
- July 2019 – Annual report from 1 January 2019 – 30 June 2019  
- September 2019 - Audited Financial Statements from 1 July 2018 – 30 June 2019  
To approve the $552,000 strategic partnership grant to Aktive Auckland Sport & Recreation for 2017/2018

**Progress to date:**  
Report was considered 5/12/17 Resolution ENV/2017/186 – report back against KPI every six months.  
A report was considered on 10 July 2018 to approve the strategic partnership grant of $552,000 per annum for a three-year term (2018-2021) Res ENV/2018/90.  
A funding agreement will be prepared for Aktive that ensures clear accountability and KPIs for each of the four geographical areas (North, West, Central and Southern) for the investment. (TBA)

**Te Motu a Hiaroa (Puketutu Island)**

Status update on the Te Motu a Hiaroa Governance Trust  
To note further update on progress of the governance trust.

**Sport and Recreation Strategic Action Plan**

Status report on implementation plan  
Direction on future options for sport and recreation.

**Sports Investment Plan**

Council’s strategic approach to outcomes, priorities and investment in sports  
Next Steps:  
- public consultation February to March 2019  
- final approval of plan will be sought June 2019  
- implementation of the plan will occur in stages over the next three to five years, depending on council budgetary and planning processes.  
**Decision** on issues papers  
Draft Plan approval  
Finalise and adopt investment plan – approval of guidelines  
Evaluation of current sports facilities investments and proposed changes was adopted on 14 March, resolution ENV/2017/39 Item 13 with the final draft investment plan to be adopted prior to consultation.  
An outcome measurement tool to support the Sports Facilities Investment Plan was considered and agreed at the 4 April 2017 meeting. Resolution ENV/2017/50 Item 9 The findings of the pilot will be reported in mid-2019 seeking a decision on the roll-out model.

**Progress to date:**  
<table>
<thead>
<tr>
<th>Area of work</th>
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<td>FY18/19</td>
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<td>12 Feb</td>
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<tr>
<td><strong>Golf Investment Plan</strong></td>
<td>Council’s strategic approach to outcomes, priorities and investment in golf.</td>
<td>Decision on issues papers Draft Plan approval Finalise and adopt investment plan</td>
<td>Q3</td>
</tr>
<tr>
<td><strong>Indoor Courts</strong></td>
<td>Strategic business case for indoor courts investment</td>
<td>Decision on investment approach</td>
<td>Q3</td>
</tr>
<tr>
<td><strong>Western Springs Community School Partnership</strong></td>
<td>Improve Community Access to school facilities</td>
<td>Decision on Business and Investment in indoor court facility at Western Springs</td>
<td>Q3</td>
</tr>
<tr>
<td><strong>Growth Programme</strong></td>
<td>Update on proposed growth funding allocation for 2018-2020</td>
<td>Decision on growth funding allocation</td>
<td></td>
</tr>
<tr>
<td><strong>Regional Sport and Recreation grants programme 2018/2020</strong></td>
<td>Review of previous grants allocation and recommendation for next round</td>
<td>Decision on sport and recreation grants programme objectives and approach</td>
<td>Q3</td>
</tr>
</tbody>
</table>

**Progress to date:**
- **Golf Investment Plan:** A workshop was held on 12 Sept and information is available on [OurAuckland](#).
- **Indoor Courts:** The report was considered in May 2017. Resolution ENV/2017/71. A business case will be prepared to outline the opportunity to fully invest in the indoor court development and can consider as part of the LTP 2018-2028.
- **Western Springs Community School Partnership:** The report was considered in May 2017. Resolution ENV/2017/71. A business case will be prepared to outline the opportunity to fully invest in the indoor court development and can consider as part of the LTP 2018-2028.
<table>
<thead>
<tr>
<th>Area of work</th>
<th>Reason for work</th>
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<th>Expected timeframes Quarter (month if known)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Review of the Community Occupancy Guidelines 2012: TOR</td>
<td>The review will assess the efficacy of the guidelines in for the council to deliver the best possible outcomes for Auckland through community leases</td>
<td><strong>Decision</strong> on the terms of reference for the review of the Community Occupancy Guidelines 2012</td>
<td>FY18/19</td>
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<td><strong>Progress to date:</strong></td>
<td>Q3</td>
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<td><em>The TOR</em> was approved for the review to commence and will report back in July 2018 subject to TLP.</td>
<td>Q4</td>
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<td></td>
<td></td>
<td>An update <a href="#">memo</a> was circulated in August 2017 in response to feedback from the July 2017 meeting. Joint workshop with local board chairs held 20/6/18.</td>
<td>Q1</td>
</tr>
<tr>
<td></td>
<td></td>
<td><a href="#">Report</a> was considered November 2018 and resolved <a href="#">ENV/2018/150</a></td>
<td>Q1</td>
</tr>
<tr>
<td>Active Recreation Investment and Visitor Experience</td>
<td>Council’s strategic approach to outcome, priorities and investment for active walking, cycling, waterways and visitor experience on open space, parks and regional parks</td>
<td><strong>Decision</strong> on scope and phasing</td>
<td>Q3</td>
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<td>Q4</td>
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<td>Q1</td>
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<td></td>
<td></td>
<td>(Aug)</td>
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<tr>
<td>Takaro – Investing in Play discussion document</td>
<td>Development of a play investment plan</td>
<td><strong>Decision</strong> on approval for public release</td>
<td>Q3</td>
</tr>
<tr>
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<td><strong>Progress to date:</strong></td>
<td>Q1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Approved on 16/05/17 for public release the <a href="#">discussion document</a> and will report to E&amp;C for approval in late 2017</td>
<td>(Oct)</td>
</tr>
<tr>
<td></td>
<td></td>
<td><a href="#">Takaro</a> was <a href="#">reported</a> to committee approved for release on 20 Feb 2018</td>
<td></td>
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<td></td>
<td>A report back by August 2018 for approval to initiate public consultation</td>
<td></td>
</tr>
<tr>
<td>Regional Parks Management Plan 2010 – variation to incorporate land at Piha</td>
<td>To approve variation to incorporate land purchased at Piha to be known as Taitomo Special Management Zone as part of the Waitakere Ranges Regional Park</td>
<td><strong>Decision</strong> on approval to a variation</td>
<td>Q1</td>
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<td><strong>Progress to date:</strong></td>
<td>(tbc)</td>
</tr>
<tr>
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<td>Approved on 20/2/2018 Res <a href="#">ENV/2018/15</a> <a href="#">report</a></td>
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<td></td>
<td>Manager, Regional Parks, will prepare an integrated vegetation management and fire–risk reduction plan in consultation with the local community and report back on the resourcing needs for its effective implementation</td>
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<tr>
<td>ECONOMIC DEVELOPMENT</td>
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<tr>
<td>The Southern Initiative (TSI)</td>
<td>Provide an update on the TSI approach, priorities and achievements.</td>
<td><a href="#">Strategic direction</a> of the TSI approach to social and community innovation in south Auckland</td>
<td>Q3</td>
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<td>Q4</td>
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<td>Q1</td>
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<td>Q2</td>
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<tr>
<td>Global Engagement</td>
<td>Provide an update and direction of Auckland Council’s global engagement strategy and priorities. It has been</td>
<td><a href="#">Strategic direction</a> of Auckland Council’s global engagement strategy and priorities</td>
<td>Q3</td>
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<td>Q4</td>
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<td>Q2</td>
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<td>Area of work</td>
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<td>Expected timeframes Quarter (month if known)</td>
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<tr>
<td><strong>Strategy</strong></td>
<td>three years since a new strategic direction was introduced, progress on this strategy will be presented. Funded</td>
<td>progress to date: Monthly engagement updates are published on each agenda</td>
<td>FY18/19 Jan-Mar 2019 9 Apr-Jun 2019 Jul-Sep 2019 Oct-Dec</td>
</tr>
<tr>
<td><strong>Options to expand revenue streams for sport facilities investment</strong></td>
<td>strategic direction to expand revenue streams to fund future sports facilities investment in the draft Sports Facilities Investment Plan</td>
<td>progress to date: A report was considered in Aug. Res ENV/2017/121</td>
<td>Q3 Q4 Q1 Q2</td>
</tr>
<tr>
<td><strong>Community Facilities Network Plan</strong></td>
<td>Update on progress and report back on strategic business case for central west.</td>
<td>Decision on indicative business case for central west. Progress to date: A progress report was considered on 14 March. Resolution ENV/2017/36 Item 11 to report back on an indicative business case for investment in the central-west area.</td>
<td>Q3 (Mar) Q4 Q1 Q2</td>
</tr>
<tr>
<td><strong>Auckland Sport Sector: Facility Priorities Plan</strong></td>
<td>Develop and endorse the Sports Facilities Investment Plan to enable Auckland Council to take a more co-ordinated approach to its sports facilities investment.</td>
<td>Decision on the Auckland Sport Sector: Facility Priorities Plan. Decision on sector’s investment priorities and investigate potential funding options. Progress to date: The plan was endorsed on 12 Sept ENV/2017/116. Staff to report back on priorities and potential funding options.</td>
<td>Q1 Q2</td>
</tr>
<tr>
<td><strong>Homelessness</strong></td>
<td>Implementing Regional Policy and Strategy resolution to progress work around Council’s strategic position on addressing homelessness (note this work will be informed by discussions at the Community Development and Safety Committee)</td>
<td>Decision on scope Decision on role and direction addressing homelessness Progress to date: Approved the scope policy 14 Feb Item 17 Auckland council’s position and role was considered at the August meeting report item 12. Staff to report back with an implementation plan. Resolution ENV/2017/118 of preferred position and role</td>
<td>Q3 Q4 Q1 (Aug) Q2</td>
</tr>
<tr>
<td>Area of work</td>
<td>Reason for work</td>
<td>Decision or direction</td>
<td>Expected timeframes Quarter (month if known)</td>
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<tr>
<td>Facilities Partnerships Policy</td>
<td>Identify the range of current council approaches to facility partnerships, issues, opportunities and agree next steps</td>
<td><strong>Decision</strong> on facility partnership approach&lt;br&gt;<strong>Decision</strong> to adopt Facility Partnership Framework in December 2017&lt;br&gt;Update was given at 14 February meeting on Phase 1. Approval was given on the proposed timelines for Phase 2: Minutes 14 February Item 14 preferred option&lt;br&gt;A report seeking approval to engage on a draft facility partnerships policy on 12/06/18. Resolution ENV/2018/74</td>
<td>Q3</td>
</tr>
<tr>
<td>Citizens Advice Bureaux Services</td>
<td>Review of the Citizens Advice Bureaux Services&lt;br&gt;RSP decision in April 2016 (REG/2016/22)</td>
<td><strong>Decision</strong> on review results&lt;br&gt;&lt;br&gt;<strong>Progress to date:</strong>&lt;br&gt;Report was considered at 20 Feb meeting. Decision: lies on the table. A supplementary report was considered on 10 April 2018. Res ENV/2018/48 and with changes for an updated funding model to be agreed by 1 April 2019</td>
<td>Q3 (Feb)</td>
</tr>
<tr>
<td>Social and Community Housing Strategy and initiatives</td>
<td>Strategic overview of social and community housing initiatives. Wider housing portfolio and spatial outcomes of council's role in housing is led by the Planning Committee.</td>
<td></td>
<td>Q3</td>
</tr>
<tr>
<td>Affordable Housing Intervention</td>
<td>Understanding NZ and international interventions to address affordable housing</td>
<td><strong>Decision</strong> on future Auckland Council approaches to affordable housing interventions</td>
<td>Q3</td>
</tr>
<tr>
<td>Te Kauroa – Library Strategy</td>
<td>Libraries and Information is carrying out a change programme (Fit for the future) to accelerate the implementation of this 2013-2023 strategy (approved by the Governing Body)</td>
<td><strong>Direction</strong> relating to priorities and to receive update on strategic direction and implementation progress&lt;br&gt;Approve an expanded and improved regional mobile library service&lt;br&gt;&lt;br&gt;<strong>Progress to date:</strong>&lt;br&gt;workshop held on 7 March with local board chairs. Workshop notes were attached to the 10 April agenda</td>
<td>Q3</td>
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<tr>
<td>Central library strategic review</td>
<td>A strategic review of the Central Library has been commissioned to understand how the current building can meet future need and demand for services, assess the Central Library’s current and potential future role in the region, and guide decision making about future investment and development opportunities</td>
<td><strong>Decision</strong> and receive the strategic review</td>
<td>Q3</td>
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<tr>
<td>Area of work</td>
<td>Reason for work</td>
<td>Decision or direction</td>
<td>Expected timeframes Quarter (month if known)</td>
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<td><strong>Libraries</strong></td>
<td>Work around the integration with customer services</td>
<td><strong>Decision</strong> on matters relating to regional aspects of the proposed integration (local boards will decide on local outcomes)</td>
<td>FY18/19 FY19/20</td>
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<tr>
<td><strong>Intercultural Cities Network</strong></td>
<td>Consideration of a proposal to join the Intercultural Cities Network to support implementation and monitoring of progress on ‘Inclusive Auckland’ actions.</td>
<td><strong>Decide</strong> whether Auckland should be a member of the network</td>
<td>FY18/19 FY19/20</td>
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<tr>
<td><strong>Investing in Aucklanders (Age Friendly City)</strong></td>
<td>Identify issues and opportunities for an inclusive friendly city (Regional Policy and Strategy resolution REG/2016/92)</td>
<td><strong>Strategic direction</strong> on the approach to a friendly, inclusive, diverse city.</td>
<td>FY18/19 FY19/20</td>
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<td><strong>Progress to date:</strong></td>
<td>Jan-Mar 2019</td>
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<td>Update reports were circulated on 18 April 2018 and 14 Dec 2017. Staff report findings and the proposed next phase in 2018. A report on the Findings was considered on 12/06/18 meeting. Resolution ENV/2018/75 approval for up to five inclusion pilots. A report back on the advantages and any obstacles to Auckland becoming an Age Friendly City as part of the World Health Organisation’s Global Network.</td>
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<tr>
<td><strong>Social Enterprise approaches for youth and long term unemployed</strong></td>
<td>Improved understanding of social enterprise reach, impacts, costs and benefits</td>
<td><strong>Strategic direction</strong> on council’s approach to social enterprise.</td>
<td>FY18/19 FY19/20</td>
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<td><strong>Youth volunteer programmes</strong></td>
<td>Intervention assessment of youth volunteer programmes on long term education and employment – understanding impacts, costs and benefits</td>
<td><strong>Strategic direction</strong> on interventions approach</td>
<td>FY18/19 FY19/20</td>
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<tr>
<td><strong>Events Policy</strong></td>
<td>A review of what is working well and what isn’t</td>
<td><strong>Decision</strong> on interventions</td>
<td>FY18/19 FY19/20</td>
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<td><strong>Grant Policy Monitoring</strong></td>
<td>Audit of the application of the Grants Policy</td>
<td><strong>Decision</strong> on audit results</td>
<td>FY18/19 FY19/20</td>
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<td><strong>Toi Whitiki Strategy</strong></td>
<td>Targeted analysis of social return on investment on specific art and culture investment</td>
<td><strong>Decision</strong> on review results</td>
<td>FY18/19 FY19/20</td>
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<td><strong>Public Art Policy</strong></td>
<td>Review of the Public Arts Policy; what’s working what’s not. Decisions relating to major public arts</td>
<td><strong>Progress to date:</strong></td>
<td>FY18/19 FY19/20</td>
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## Area of work

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<tr>
<th>Area of work</th>
<th>Reason for work</th>
<th>Decision or direction</th>
<th>Expected timeframes</th>
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<tbody>
<tr>
<td><strong>Current Development Contribution revenue and expenditure – funding for open space purposes</strong></td>
<td>Highlight the new parks and open spaces for Aucklanders’ use and enjoyment</td>
<td>A report was considered on 14/08/178 on Open Space acquisition in 2017/18 financial year. resolution ENV/2018/104 to report back on DC revenue and expenditure by funding area for open space purposes based on current based on the current DC policy.</td>
<td>FY18/19 Jan-Mar 2019: 12 Feb 12 March  9 April 14 May 11 June  FY19/20 Jul-Sep 2019: 9 July 13 Aug 10 Sept</td>
</tr>
<tr>
<td><strong>Investigation in North-west Community Provision</strong></td>
<td>Investigation to identify any current gaps in services or facilities or in the future</td>
<td>Decision on the investigation findings Progress to date: A report was considered on 13/10/18 on the findings. Res ENV/2018/131. Staff will progress the key moves outlined in the report.</td>
<td>Q2</td>
</tr>
<tr>
<td><strong>National Environmental Standards</strong></td>
<td>Council response on the National Direction for aquaculture expected following scheduled release of consultation document in April 2017. The National Direction is likely to address matters relating to re-consenting, bay-wide management, innovation and research, and biosecurity.</td>
<td>Direction Committee agreement to a council submission on the National Direction for Aquaculture</td>
<td>Q3 Q4 Q1 Q2</td>
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<tr>
<td><strong>LAND ACQUISITIONS</strong></td>
<td>Strategic acquisition issues and opportunities</td>
<td>Understanding current acquisition issues and options.</td>
<td>Q3 Q4 Q1 Q2</td>
</tr>
<tr>
<td><strong>Land acquisition for stormwater purposes</strong></td>
<td>Delegated responsibility of the committee. To acquire land for stormwater management and development purposes, to either support a structure plan or ad-hoc development.</td>
<td>Decision to acquire land. Reports will come to committee as required. Next report will be in Feb 2018 seeking authority to carry out compulsory acquisition of land in the Henderson area for a flood prevention project.</td>
<td>Q3 (Feb) Q4 Q1 Q2</td>
</tr>
<tr>
<td><strong>OTHER</strong></td>
<td>Long-term Plan</td>
<td>Informing the development of the 2018-2028 Auckland Council Long-term Plan</td>
<td>Q3 Q4 Q1 Q2</td>
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</table>
Memorandum

To: The Chair and Environment and Community Committee
Subject: Update on the Age-friendly Auckland Project, Tāmaki tauawhi kaumātua

From: Liz Civil, Manager Community Policy and Rebecca Kruse, Principal Policy Analyst

Purpose
1. To update the Environment and Community Committee on the Age-friendly Auckland Project.

Key Messages
- Auckland Council is developing a region-wide cross-sector age-friendly action plan.
- The plan will allow the council to seek and obtain membership of the World Health Organisation (WHO) Global Network of Age-friendly Cities and Communities (the Network).
- The purpose of this project is to improve outcomes for older Aucklanders (residents 65 years and over), especially those most in need.
- The Seniors Advisory Panel are providing advice to the project and are supporting the community engagement.
- We are working with a range of other organisations, networks and communities who are active in advancing the wellbeing of older Aucklanders.
- Community engagement workshops will be held across the region with stakeholders and the community to seek views and ideas that will inform the action plan.
- These will be publicly advertised and run from May to July 2019.
- The final Age-friendly Auckland Action Plan will be reported to the appropriate committee for adoption in 2020.

Context/Background
2. On 10 July 2018, the Environment and Community Committee resolved to seek membership to the WHO Global Network of Age-friendly Cities and Communities.
3. Auckland Council is developing a region-wide cross-sector age-friendly action plan. Community Policy is coordinating the development of the plan.
4. The purpose of this project is to improve outcomes for older Aucklanders (residents 65 years and over), especially those most in need.
5. The plan will also allow the council to seek and obtain membership of the World Health Organisation (WHO) Global Network of Age-friendly Cities and Communities (the Network).

Discussion
The Seniors Advisory Panel are the guardians of the age-friendly action plan
6. We have been working closely with the Seniors Advisory Panel who are providing advice and guidance to the project including supporting community engagement.
7. An update on the project was provided to the joint Community Development and Safety Committee and Seniors Advisory Panel meeting on 21 March 2019.
8. The Panel have also hosted an Integrated Panel Forum on the project. The demographic advisory panels were informed of this project, asked to promote engagements in their communities and were able to provide their ideas for action.

9. The leadership and advice of the Senior Advisory Panel is critical to the development of the action plan.

10. Auckland Council is working with a range of other organisations, networks and communities who are active in advancing the wellbeing of older Aucklanders. These stakeholders will help develop and deliver the plan which will demonstrate our collective commitment to Auckland being age-friendly and inclusive.

11. To ensure that we can deliver a plan that is going to make a real difference it is important to hear from a diverse range of older Aucklanders and stakeholders.

12. A workshop with sector stakeholders (key agencies and organisations) was held on 9 April 2019. The purpose of the workshop was to inform these groups of the project, test the engagement method and gain their support for the development of the plan.

13. The workshop was well received and generated support for the project and a willingness to assist in ensuring we hear from diverse voices during the community engagement and plan development.

14. Nine community engagement workshops will be held across the region with stakeholders and the community. We will use the WHO framework to guide the discussion. One domain will be covered at each community workshop.

15. The domains cover all the aspects of community life that need to be considered when developing an age-friendly action plan:

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<tr>
<th>Domain</th>
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<tr>
<td>1. Outdoor spaces and buildings</td>
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<td>2. Transportation</td>
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<td>3. Housing</td>
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<td>4. Social participation</td>
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<td>5. Respect and social inclusion</td>
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<td>6. Civic participation and employment</td>
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<td>7. Communication and information</td>
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<td>8. Community support and health services</td>
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16. We will also explore a proposed ninth domain ‘Culture and diversity’ as this reflects Auckland’s bi-cultural foundation and population diversity.

17. The following are the confirmed engagement dates and domains for discussion:

<table>
<thead>
<tr>
<th>Date</th>
<th>Domain</th>
<th>Venue</th>
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<tr>
<td>Monday 6 May</td>
<td>Respect and social inclusion</td>
<td>Nixon Park Community Hall, Howick</td>
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<td>10.15-12.30</td>
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<td>Friday 17 May</td>
<td>Community support and health services</td>
<td>Franklin: The Centre, Pukekohe</td>
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<td>10.15-12.30</td>
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<td>Friday 24 May</td>
<td>Transport</td>
<td>Mangere Bridge War Memorial Hall</td>
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<td>10.15-12.30</td>
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### Attachment I

#### Item 12

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<tr>
<th>Date</th>
<th>Time</th>
<th>Topic</th>
<th>Venue</th>
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<tbody>
<tr>
<td>Monday 27 May</td>
<td>10.15-12.30</td>
<td>Outdoor spaces and buildings</td>
<td>Walkworth Town Hall</td>
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<td>Friday 7 June</td>
<td>10.15-12.30</td>
<td>Culture and diversity</td>
<td>Kelston Community Centre</td>
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<td>Monday 10 June</td>
<td>1.30-3.45pm</td>
<td>Communication and information</td>
<td>Northcote Citizens Centre</td>
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<tr>
<td>Saturday 15 June</td>
<td>10.15-12.30</td>
<td>Civic participation and employment</td>
<td>The Community of St Luke, Remuera</td>
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<tr>
<td>Monday 24 June</td>
<td>1.15-3.30pm</td>
<td>Housing</td>
<td>Albany Community Hub</td>
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<tr>
<td>Monday 1 July</td>
<td>10.15-12.30</td>
<td>Social participation</td>
<td>Henderson Civic Building</td>
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18. Details on these engagements will be available on the Auckland Council Have your say page. This page will be updated with further engagement activity as it is confirmed.  
https://www.aucklandcouncil.govt.nz/have-your-say/topics-you-can-have-your-say-on/age-friendly-auckland/Pages/default.aspx

19. The locations selected for the community engagement workshops are based on ensuring that we go where older Aucklanders are and that we hear from people across the region.

20. We are working with locally based staff to ensure communities are informed of the engagement activity and the opportunity to participate.

21. Targeted engagement is also planned to ensure we hear from the diverse voices of Auckland’s older people. This includes with:
   - Kaumātua (older Māori)
   - older Pacific people
   - older people of other ethnicities
   - older members of the rainbow community
   - older people with disabilities.

**Next steps**

22. Once the community and stakeholder engagement is completed a findings report will be created based on what we have heard.

23. The findings report will then inform the development of the Age-friendly Auckland Action Plan.

24. The final Age-friendly Auckland Action Plan will be reported to the appropriate committee for adoption in 2020. After approval an application for membership to the Network will be made.

**Contact**

25. If you have questions about this work, please contact Rebecca Kruse - Project Lead  
rebecca.kruse@aucklandcouncil.govt.nz
Memo

To: Councillor Penny Hulse
   Chair, Environment and Community Committee

Cc: Councillor Cathy Casey
    Community Development and Safety Committee

From: Cath Handley
      Chair, Waiheke Local Board

Date: 3 May 2019

Subject: Request to the Environment and Community Committee to investigate the safety of 5G wireless technology

Purpose

The purpose of this memo is to request that the Environment and Community Committee undertake an independent assessment of the safety of the current national radio frequency emission standards as they relate to the emissions proposed under 5G.

The board’s request is that a precautionary approach should be adopted until evidence of effects is fully documented and well understood. Currently the public are sustaining a well-orchestrated major public campaign to embrace 5G technology without the complementary benefit of scientific review and political leadership on the issue.

The committee will be aware that a number of American jurisdictions and other cities/states/countries are currently reviewing their own approaches and many are stalling 5G’s implementation as a consequence e.g.s Portland Oregon, San Francisco, Brussels, Florence, Netherlands, and possibly Germany.

Background

In Jan 2019, the Waiheke Local Board received a presentation from Mr Michael Fleck and his science advisor, Dr Sue Pickett (a neurophysiologist with 20 years’
experience in the field) on the rollout of the 5G wireless network and its potential impacts on human health.

Mr Fleck presented evidence of a link between non-ionising radio frequency emissions and human health effects. Mr Fleck stated that the proposed rollout of the 5G network would result in further saturation of the environment with radio frequency emissions at a frequency and intensity which is potentially more harmful to human health than current emissions. An article authored by Dr Pockett which was recently published in the journal of the New Zealand Medical Association (NZMJ) provides evidence of these health effects and is attached to this memo with further supporting information and links to current research.

This is a critical issue to address as under current provisions, if proposed cell sites emit at levels below the national standard, and is a permitted activity, no resource consent is required. Consequently a new technology can be imposed upon the people of Auckland, without a supporting evidence-base or any form of public consultation. As the largest and most densely populated city in the country, Auckland should take a leadership role in ensuring the safety of the proposed network, which is particularly relevant given Spark’s intention to launch a live 5G network on 1 July 2020 for the Americas Cup in 2021.

Discussion
In response to Mr Fleck’s deputation, the board requested a specialist report from council officers. However on 26 March 2019, it was advised by the Contamination, Air & Noise Specialist Unit of the Resource Consents Department, that council did not have the specific technical expertise required to provide such a report.

Since the matter is of region-wide significance, the board is requesting that the Environment and Community Committee seek the appropriate expert reports on the safety of the 5G rollout or request that the Ministry of Health do so and review the national standard if necessary.

The board does not have a pre-determined view of the outcome of such a review and indeed acknowledges the potential future economic and lifestyle opportunities of the 5G technology.

Recommendation
The Waiheke Local Board requests that the Environment and Community Committee takes a precautionary approach while it investigates the safety of the proposed rollout of 5G Wireless technology in the Auckland region and of the national radio frequency emissions standards, with a view to seeking the same approach and support from the government, or failing that, to adopting a more stringent Auckland standard.