
Komiti Taiao ā-Hapori Hoki / Environment and Community Committee Ministerial Proposal - Reserves Act Decisions WORKSHOP MINUTES

Minutes of a meeting of the briefing held in Room 1, Level 26, 135 Albert Street, Auckland at 1.35pm

PRESENT

Chairperson	Cr Penny Hulse	From 1.44pm
Deputy Chairperson	Cr Alf Filipaina	
Members	Cr Josephine Bartley	
	Cr Dr Cathy Casey	
	Deputy Mayor Cr Bill Cashmore	From 1.39pm
	Cr Ross Clow	From 1.51pm
	Cr Fa'anana Efeso Collins	From 2.03pm
	Cr Linda Cooper, JP	
	Cr Hon Christine Fletcher, QSO	Until 2.16pm
	Cr Mike Lee	
	Cr Daniel Newman, JP	From 1.48pm
	Cr Desley Simpson, JP	Until 2.23pm
	Cr Sharon Stewart, QSM	From 2.03
	Cr John Watson	From 1.53pm
	Cr Paul Young	

APOLOGIES

IMSB Member Renata Blair
Cr Chris Darby
Mayor Hon Phil Goff, CNZM, JP
Cr Richard Hills
Cr Greg Sayers
Cr Sir John Walker, KNZM, CBE
Cr Wayne Walker

Note: No decisions or resolutions may be made by a Workshop or Working Party, unless the Governing Body or Committee resolution establishing the working party, specifically instructs such action.

Purpose of workshop:

- to provide a preliminary briefing to elected members on the DOC proposal to revoke most Ministerial delegations to territorial authorities under the Reserves Act. The briefing is to assist elected members on the nature of the proposal and potential implications of it, ahead of a draft submission to be circulated for feedback.

Declarations of Interest

There were no declarations of Interest.

Workshop notes:**Item – next steps (powerpoint presentation)**

- Draft submission circulated 15 April for elected member feedback by 18 April
- Feedback incorporated into Auckland Council submission to DOC for 26 April deadline
- Retrospective approval by Environment and Community Committee 14 May
- Participation in LGNZ-led submission
- Consideration of options, should the proposal to revoke the delegations proceed

Discussion

- agreed that a response letter be drafted and sent as soon as possible – Cr Hulse to speak with the Mayor
- deadline for submission is now 17 May 2019 and submission will go to the Tuesday, 14 May 2019 Environment and Community Committee meeting for approval
- there will be drop in sessions scheduled for the week commencing 15 April

The workshop closed at 2.32pm

DOC proposal to revoke Reserves Act delegations

Kim Bellingham, Legal Services

Purpose

- To brief elected members on DOC proposal to revoke most Ministerial delegations to local authorities under the Reserves Act
 - In order to obtain feedback for 26 April deadline, pending confirmation from DOC of an extension to 17 May
 - Draft submission circulated 15 April
 - Feedback required from you by 18 April

The DOC proposal

- Letter to all local authorities proposing to revoke 44 of the 50 Reserves Act delegated Ministerial powers and seeking comment
 - Reasoning less than clear
 - Letter refers to comments on the delegations made by Court of Appeal in its July 2018 decision *Opuia Coastal Preservation Inc v Far North District Council*, recently appealed to the Supreme Court
 - DOC view on lawfulness inferred from *Opuia*
 - Different reasoning in table, eg re management planning; desire to retain control of decisions on “important” types of reserves

Context

- Reserves Act s 10 provides for delegation of Ministerial powers to local authorities
- Current delegations to local authorities since 2013
 - To better enable local authorities to make decisions affecting reserves: “conservation with communities”
- Delegations primarily exercised by Governing Body, sub-delegated to staff
- Many reserve decisions require both administering body (ie local board) decision and Ministerial decision
- Approx 80% reserves owned by Auckland Council
- Approx 20% Crown reserves administered by council

Key decisions proposed to be revoked:

- Classification (eg recreation, scenic, historic, local purpose)
- Reclassification
- Exchanges
- Management plans
- Easements
- Leases and licences
- Concessions for Crown-owned reserves administered by council
- Vegetation/flora and fauna decisions

Implications

- Impact on local governance of local reserves
 - Reserve decisions currently made within the Auckland Council dual governance structure would need to be approved by DOC officers in Hamilton or Wellington
 - Cuts across intent of better enabling local authorities to make decisions affecting local reserves
 - Implications for local park management planning (omnibus plan) process underway

Implications contd.

- Treaty breach re settlement commitments
 - Eg Tūpuna Maunga Authority
- Delay
 - Based on evidence of current timing of DOC (eg 1 year not unusual)
 - Based on volume of decisions
- Cost
 - DOC cost-recovers (based on recent examples could be \$2000-\$3000 per decision)

Next steps

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- Consideration of options, should the proposal to revoke the delegations proceed