

I hereby give notice that an ordinary meeting of the Governing Body will be held on:

Date: Thursday, 27 February 2014
Time: 9.30am
Meeting Room: Council Chamber
Venue: Takapuna Service Centre
Level 3
1 The Strand
Takapuna

Governing Body OPEN AGENDA

MEMBERSHIP

Mayor
Deputy Mayor
Councillors

Len Brown, JP	
Penny Hulse	
Cr Anae Arthur Anae	Cr Dick Quax
Cr Cameron Brewer	Cr Sharon Stewart, QSM
Cr Dr Cathy Casey	Cr Sir John Walker, KNZM, CBE
Cr Bill Cashmore	Cr Wayne Walker
Cr Ross Clow	Cr John Watson
Cr Linda Cooper, JP	Cr Penny Webster
Cr Chris Darby	Cr George Wood, CNZM
Cr Alf Filipaina	
Cr Hon Chris Fletcher, QSO	
Cr Denise Krum	
Cr Mike Lee	
Cr Calum Penrose	

(Quorum 11 members)

Elaine Stephenson
Democracy Advisor

21 February 2014

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Website: www.aucklandcouncil.govt.nz

TERMS OF REFERENCE

Those powers which cannot legally be delegated:

- (a) the power to make a rate; or
- (b) the power to make a bylaw; or
- (c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long term council community plan; or
- (d) the power to adopt a long term plan, annual plan, or annual report; or
- (e) the power to appoint a Chief Executive; or
- (f) the power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the long term plan or developed for the purpose of the local governance statement; or
- (g) the power to adopt a remuneration and employment policy.

Additional responsibilities retained by the Governing Body:

- (a) Approval of a draft long term plan or draft annual plan prior to community consultation
- (b) Approval of a draft bylaw prior to community consultation
- (c) Resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of electoral officer
- (d) Adoption of, and amendment to, the Committee Terms of Reference, Standing Orders and Code of Conduct
- (e) Relationships with the Independent Maori Statutory Board, including the funding agreement and appointments to committees.
- (f) Approval of the Unitary Plan
- (g) Overview of the implementation of the Auckland Plan through setting direction on key strategic projects (e.g. the City Rail Link and the alternative funding mechanisms for transport) and receiving regular reporting on the overall achievement of Auckland Plan priorities and performance measures.

ITEM	TABLE OF CONTENTS	PAGE
1	Affirmation	5
2	Apologies	5
3	Declaration of Interest	5
4	Confirmation of Minutes	5
5	Acknowledgements	5
6	Petitions	5
7	Public Input	5
8	Local Board Input	5
9	Extraordinary Business	5
10	Notices of Motion	6
11	Auckland Council submission to the Proposed Auckland Unitary Plan 2013	7
12	Review of Auckland Council CCOs – Terms of Reference	19
13	Council Controlled Organisation Review – Current State Assessment	31
14	Proposed Auckland Council membership on the Tūpuna Maunga o Tāmaki Makaurau Authority	33
15	Political Working Party for negotiations with the Independent Māori Statutory Board for 2014/15 Funding Agreement	45
16	Consideration of Extraordinary Items	
PUBLIC EXCLUDED		
17	Procedural Motion to Exclude the Public	49
C1	Auckland Council Proposed Retail Bond Issue	49
C2	Te Tiriti / Treaty Settlements Update	49

1 Affirmation

His Worship the Mayor will read the affirmation.

2 Apologies

An apology from Cr AJ Anae has been received.

3 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.

4 Confirmation of Minutes

That the Governing Body:

- a) confirm the ordinary minutes of its meeting, held on Thursday, 30 January 2014, including the confidential section, as a true and correct record.

5 Acknowledgements

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

6 Petitions

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

7 Public Input

Standing Order 3.21 provides for Public Input. Applications to speak must be made to the Committee Secretary, in writing, no later than **two (2)** working days 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.

8 Local Board Input

Standing Order 3.22 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 **two (2)** days 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 3.9.14 to speak to matters on the agenda.

At the close of the agenda no requests for local board input had been received.

9 Extraordinary Business

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

amended) states:

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

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

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

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

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

10 Notices of Motion

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

Auckland Council submission to the Proposed Auckland Unitary Plan 2013

File No.: CP2014/00901

Purpose

1. To consider the recommendations of the Unitary Plan Committee (25 February 2014) in respect of the council's submission on the Proposed Auckland Unitary Plan (PAUP), and to endorse the submission for lodgment by 28 February 2014.

Executive Summary

2. After a series of workshops from November 2013 to February 2014, the Unitary Plan Committee will meet on 25 February 2014 to consider a draft council submission on the PAUP (agenda report in Attachment A).
3. The submission is based on inputs from across the organisation, including the Council Controlled Organisations (CCOs), and local boards. The primary purpose of the submission is to recommend improvements to the Unitary Plan Independent Hearings Panel, not to revisit the overall policy approach in the PAUP.
4. The draft submission, endorsed by the Unitary Plan Committee, will be recommended for approval by the Governing Body, to enable the submission to be lodged prior to 5:00pm on 28 February 2014.
5. A copy of the draft submission has been distributed to all councillors on memory stick, as an attachment to the Unitary Plan Committee 25 February 2014 agenda item.

Recommendations

That the Governing Body:

- a) approve the lodgment of the council submission on the Proposed Auckland Unitary Plan, as attached to the Unitary Plan Committee agenda item on 25 February 2014, subject to any changes agreed to by that committee.
- b) delegate minor editorial rights to the Chair of the Unitary Plan Committee, until the submission is made.

Consultation

6. The development of the council's own submission on the PAUP has involved input from departments across the council, CCO's and local boards.

Significance of Decision

7. The decision made by the council to submit on the PAUP will ensure an opportunity to 'front foot' some issues prior to the hearings. Some of these issues are of particular interest to local boards, CCOs and key stakeholders.
8. The submission also provides the council with the opportunity to iron out some errors such as grammar and spelling, cross referencing and linking, numbering and errors with images (including maps).
9. Clause 6 of the First Schedule of the Resource Management Act (RMA) enables the council to make a submission on the PAUP.

Decision Making

10. The Governing Body holds delegated authority to endorse and lodge submissions to RMA policies and plans, including the PAUP.

Consideration

Local Board Views

11. Local board chairs have attended the Unitary Plan Committee workshops to help build the council's submission. In addition, local boards have been invited to record their community views within Part Two of the submission.

Māori Impact Statement

12. Staff are separately advising Mana Whenua about the content of the PAUP and the process for their submissions. Mana Whenua technical hui were held on 27 and 28 November 2013 and 29 January 2014, to assist Mana Whenua in navigating the PAUP. It is understood that most, if not all Mana Whenua intend to lodge submissions on the PAUP.

Financial and Resourcing Implications

13. The submission is within ongoing operational budgets.

Legal and Legislative Implications

14. Legal services were involved in senior management review sessions of matters for possible inclusion within the council submission. As stated in paragraph 27 above, Clause 6 (2) to the First Schedule of the RMA expressly provides for the council to make a submission on its own policy statement or plan.

Attachments

No.	Title	Page
A	Copy of Unitary Plan Committee report: Auckland Council submission to the proposed Auckland Unitary Plan 2013	9

Signatories

Author	Phill Reid - Unitary Plan Integration Manager
Authorisers	Penny Pirrit - Regional & Local Planning Manager Roger Blakeley - Chief Planning Officer Stephen Town - Chief Executive

Unitary Plan Committee
25 February 2014



Auckland Council submission to the proposed Auckland Unitary Plan 2013

File No.: CP2014/00897

Item 9

Item 11

Attachment A

Purpose

1. To seek agreement to a draft version of a whole of council submission to the Proposed Auckland Unitary Plan (PAUP) and endorse its reporting to the Governing Body for final approval and lodgement prior to the close of submissions on 28 February 2014.

Executive Summary

2. The PAUP was notified for submissions on 30 September 2013. Submissions close on 28 February 2014.
3. Staff from across the organisation were given the opportunity to put forward potential amendments to include in a council submission on the PAUP. The clear brief was to identify errors, minor policy refinements and new material (eg plan changes to the operative plans that had reached the decision stage since the PAUP was notified), but not shifts in policy direction.
4. Since the notification of the PAUP, extensive discussion has also taken place between council officers and staff from the Council-controlled Organisations (CCOs), in an effort to ensure any concerns they might have with the PAUP can be addressed through the council's submission. The CCOs were given the opportunity to speak directly to the Unitary Plan Committee on 29 January 2014.
5. The draft submission (under separate cover) reflects the outcomes of Auckland Unitary Plan Committee workshops held on 19, 22 and 26 November 2013, 10 December 2013, 29 January 2014 and 11-12 February 2014.

Recommendation/s

That the Unitary Plan Committee:

- a) endorse the draft submission to the Proposed Auckland Unitary Plan as outlined in Attachment A to the report, subject to the following:
 - i) amend the submission to refer to the need for a Significant Ecological Area to be applied to Kawau Island, but remove the map from the submission.
 - ii) add the following to the list of properties that should be rezoned:

Address	Amendment	Reasons
85-87 Gladstone Road, Parnell	Rezone from Public Open Space – Informal Recreation to Public Open Space - Community	Incorrect Public Open Space zone applied in the PAUP.
5 Hobson Place, Waiuku	Rezone from Public Open Space – Informal Recreation to Light Industry	The site is predominantly zoned Light Industry. A small portion has been incorrectly zoned Public Open Space. The area of land in question is part of the main site and has no public open space characteristics.
23 Commercial Road, Helensville	Rezone from Public Open Space – Sport and Active Recreation to Public Open	Incorrect Public Open Space zone applied in the PAUP.

Unitary Plan Committee
25 February 2014



Item 9

	Space - Community	
4 Taikata Road, Te Atutu Peninsula	Rezone from Mixed Housing Urban to Town Centre	The site is used solely for vehicle access to the adjacent Town Centre zoned sites.

iii) Add the following items to the submission:

Overlay	Provision	Amendment	Reasons
Sites and Places of Significance to Mana Whenua	J5.1 Activity Table	Remove earthworks control from the activity table: Earthworks on or within 50m of a scheduled site or place of significance to Mana Whenua - D	There is a conflict in the activity status between the Sites and Places of Significance to Mana Whenua overlay and the Auckland-wide rules for earthworks on and around sites of significance to Mana Whenua. Relying on the Auckland-wide rules, which provide a 20 metre buffer, is appropriate.
Sites and Places of Value to Mana Whenua	J5.2 Activity Table	Add a new row in the activity table: <u>Earthworks for the operation, repair and maintenance of existing network utilities. P</u>	To permit earthworks associated with the operation, repair and maintenance of a network utilities, subject to appropriate standards.
Sites and Places of Value to Mana Whenua	J5.2 Development Controls	Add a new development control 2.7 <u>Earthworks for the operation, repair and maintenance of existing network utilities.</u> <u>The permitted activity controls for earthworks for the operation, repair and maintenance of existing network utilities contained in H4.2.1 (Auckland wide earthworks controls) apply.</u>	To permit earthworks associated with the operation, repair and maintenance of network utilities, subject to appropriate standards.

Unitary Plan Committee
25 February 2014

Not applicable	Chapter H: 4.2 Earthworks – 2.1.1.10	<p>Replace existing clause 10 with the following:</p> <p><u>In relation to historic heritage places and sites and places of significance to Mana Whenua, where the 'extent of place' is not mapped, earthworks must be located at least 20m from any scheduled historic heritage place or scheduled sites and places of significance to Mana Whenua.</u></p>	<p>Firstly, it avoids the current duplication between the Auckland-wide earthworks rules and the rules for sites and places of significance to Mana Whenua.</p> <p>Secondly, it clarifies that a 20 metre buffer applies (as opposed to 50 metres).</p> <p>Thirdly, it clarifies that the 20 metre buffer for scheduled historic heritage places does not apply beyond the 'extent of place', where this has been mapped. Most buildings have an 'extent of place' mapped to the property boundary.</p>
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Item 9

Item 11

Attachment A

- b) recommend the draft submission to the Governing Body meeting on 27 February 2014, for its adoption as Auckland Council's submission on the Proposed Auckland Unitary Plan.

Discussion

Background

- The council's goal to create a robust, high-quality Unitary Plan that Aucklanders understand and support is being achieved through an enhanced engagement programme that was adopted by the Auckland Plan Committee in July 2012.
- Phase One of the enhanced engagement programme ran from August to December 2012 and involved engagement with local boards, key stakeholders, the Independent Maori Statutory Board (IMSB) and Mana Whenua. Council staff also held workshops with approximately 150 people from a variety of sectors. An innovative two week on-line forum, a civic forum hosted by Te Radar and a civic leaders' forum also took place.
- Feedback from these forums, workshops and events assisted the council in the development of the draft Auckland Unitary Plan which was released for informal public feedback at a two day launch event on 15-16 March 2013. This commenced Phase Two of the enhanced engagement programme (which ran until 31 May 2013) and again involved a number of innovative events (mobile engagement vehicles, planning clinics and mini expos) and forums to encourage public involvement. Public involvement was forthcoming with over 21,000 pieces of feedback received on the draft Auckland Unitary Plan. This enabled the council to make significant changes to the draft provisions.
- While the draft plan did not have any legal effect under the Resource Management Act (RMA), it did provide the public with the chance to become more familiar with the intended provisions for Auckland before formal notification of the PAUP.

Item 9

Unitary Plan Committee
25 February 2014



10. The Phase Two draft Auckland Unitary Plan process concluded on 30 September 2013 when the PAUP was publicly notified and opened for formal submissions through until 28 February 2014.
11. Alongside the development of the Auckland Unitary Plan, the Government progressed the Local Government (Auckland Transitional Provisions) Amendment Act 2013. This legislation put in place provision for a specific hearings process to consider submissions and make recommendations on changes to the PAUP.
12. In consultation with the council and the IMSB, the Government appointed the hearings commissioners in December 2013.
13. The commissioners are as follows:
 - David Kirkpatrick (Chair)
 - Des Morrison
 - Janet Crawford
 - Paula Hunter
 - John Kirikiri
 - Stuart Shepherd
 - Greg Hill
 - Peter Fuller
14. This Hearings Panel will hear submissions in respect of the PAUP, and shall make recommendations to the council regarding what changes should be made to the PAUP. The council will then decide whether to accept or reject the Hearings Panel's recommendations. There is a right of appeal to the Environment Court by any submitter against any decision of the council to reject a recommendation of the Hearings Panel. The council's decisions to accept recommendations of the Hearings Panel can only be appealed on points of law, and these appeals are heard by the High Court. The only exception to this is that appeals can be lodged in respect of decisions on designations and heritage orders. If there are no appeals, the PAUP can be made operative in the usual way under clause 20 of Schedule 1 of the RMA.

Work Programme for Submission

15. One of the primary purposes of the enhanced engagement process for developing the plan was to improve the provisions. The opportunity for the council to make a submission itself on the PAUP to improve the provisions is an opportunity that officers recommend be taken.
16. It is important to note that the context for taking the opportunity to make a submission should be to make refinements to continue improving existing provisions rather than to make changes in policy direction. The appropriate time to consider substantial policy matters is once submissions close on PAUP.
17. Starting from this point, internal departments and CCOs were invited to start identifying any errors, new material or policy refinements (minor amendments to policy detail that do not alter the outcomes of the policy approach) that they were aware of.
18. A briefing workshop was held with the Unitary Plan Committee and local board chairs on 19 November. The outcome of this workshop was a direction to progress the development of a council submission.
19. Matters for possible inclusion in the council submission were considered through workshops on 22, 26 November, 10 December, 29 January and 11-12 February 2014. As well as matters raised from internal council departments, a number of CCO representations were made at the workshop on 29 January 2014.

**Unitary Plan Committee
25 February 2014**



20. Local board views have been brought through the workshops by the inclusion of all local board chairs as participants alongside members of the Unitary Plan Committee. The purpose of this arrangement was to seek the perspectives of local boards on the council submission. In recognition that some community views from local boards may need specific mention, provision has been made for these statements to be clearly identified and included as Part Two of the council submission.

Item 9

Item 11

Finalising the draft submission

21. Submissions to the PAUP are due by 28 February 2014.
22. The attached draft council submission has been updated to incorporate all workshop direction provided to officers.
23. It is recommended that the submission be reported to the Governing Body meeting on 27 February 2014 for formal adoption and lodgement prior to 5pm on 28 February 2014.

Matters that have arisen since the draft submission was distributed

24. The following matters have arisen since the draft submission was distributed:

Local Board Views

25. At the Unitary Plan Committee workshop on 12 February, a presentation was made in relation to the draft local board views that had been received from the following local boards:
- Albert-Eden
 - Devonport-Takapuna
 - Franklin
 - Howick
 - Kaipatiki
 - Mangere-Otahuhu
 - Maungakiekie-Tamaki
 - Orakei
 - Otara-Papatoetoe
 - Papakura
 - Puketapapa
 - Rodney
26. Since the workshop, local board views have been received from the Great Barrier Island, Hibiscus and Bays and Manurewa Local Boards. The views of the Great Barrier Island and Manurewa Local Boards have once again been reviewed to assess whether they contain matters that meet the direction from the committee in relation to the scope of Part One of the council submission (i.e. errors, new material and policy refinements). Staff are still in the process of reviewing the views of the Hibiscus and Bays Local Board.
27. The matters raised by the Great Barrier Island Local Board and Manurewa Local Board cover a range of important issues, however they are not considered to fall within the scope set out by the Unitary Plan Committee for Part One of the council submission. They should therefore be included in Part Two (Local Board Views), as agreed between the Unitary Plan Committee and local boards.
28. The final views from all local boards that wish their views to be included in Part Two (Local Board Views) of the council submission are expected to be received prior to the Governing Body meeting on 27 February 2014. A verbal update will be provided to the Unitary Plan Committee on 25 February 2014 and at the Governing Body meeting on 27 February 2014.
29. It is important to note that once submissions close, where there is no conflict of interest, local board chairs are able to be involved in the consideration of submissions on the PAUP that raise local issues. At this stage this work is expected to commence towards the end of 2014, as the early focus of the Unitary Plan Committee after the close of submissions is likely to be on Auckland-wide matters.

Attachment A

Unitary Plan Committee
25 February 2014



Kawau Island

30. A Significant Ecological Area (SEA) was intended to be placed over Kawau Island in the PAUP, however the SEA overlay was omitted from the maps in error. The draft submission includes an amendment to the PAUP to introduce a SEA over the Island. A map is included as part of the draft submission. A detailed ecological survey of the Island has not been completed by council ecologists. It is therefore considered more appropriate that the submission refers to the need for a SEA to be applied, but that the map is not included in the council submission.

Auckland Council Properties Limited

31. Auckland Council Properties Limited (ACPL) gave a presentation to the Unitary Plan Committee on a number of council-owned properties it believed should have an alternative zone to that which has been applied in the PAUP. ACPL alluded to further research they were undertaking across the council's property holdings. A report was recently prepared on behalf of ACPL outlining further possible zone changes. Having reviewed the report, it is considered that the following amendments fall within the scope set out for the council submission by the committee:

Address	Amendment	Reasons
85-87 Gladstone Road, Parnell	Rezone from Public Open Space – Informal Recreation to Public Open Space - Community	Incorrect Public Open Space zone applied in the PAUP.
5 Hobson Place, Waiuku	Rezone from Public Open Space – Informal Recreation to Light Industry	The site is predominantly zoned Light Industry. A small portion has been incorrectly zoned Public Open Space. The area of land in question is part of the main site and has no public open space characteristics.
23 Commercial Road, Helensville	Rezone from Public Open Space – Sport and Active Recreation to Public Open Space - Community	Incorrect Public Open Space zone applied in the PAUP.
4 Taikata Road, Te Atutu Peninsula	Rezone from Mixed Housing Urban to Town Centre	The site is used solely for vehicle access to the adjacent Town Centre zoned sites.

Unitary Plan Committee
25 February 2014

Watercare Services Limited

32. Discussions have been ongoing with Watercare Services Limited (WSL) to ensure that any concerns WSL has with the PAUP are addressed through the council submission. A key concern raised by WSL has been the ability to operate, maintain and repair existing pipes within the various heritage, landscape and environmental overlays in the PAUP. Various amendments are included in the draft submission. The following additional amendments are proposed:

Overlay	Provision	Amendment	Reasons
Sites and Places of Significance to Mana Whenua	J5.1 Activity Table	Remove earthworks control from the activity table: Earthworks on or within 50m of a scheduled site or place of significance to Mana Whenua – D	There is a conflict in the activity status between the Sites and Places of Significance to Mana Whenua overlay and the Auckland-wide rules for earthworks on and around sites of significance to Mana Whenua. Relying on the Auckland-wide rules, which provide a 20 metre buffer, is appropriate.
Sites and Places of Value to Mana Whenua	J5.2 Activity Table	Add a new row in the activity table: <u>Earthworks for the operation, repair and maintenance of existing network utilities. P</u>	To permit earthworks associated with the operation, repair and maintenance of a network utilities, subject to appropriate standards.
Sites and Places of Value to Mana Whenua	J5.2 Development Controls	Add a new development control 2.7 <u>Earthworks for the operation, repair and maintenance of existing network utilities.</u> <u>The permitted activity controls for earthworks for the operation, repair and maintenance of existing network utilities contained in H4.2.1 (Auckland wide earthworks controls) apply.</u>	To permit earthworks associated with the operation, repair and maintenance of network utilities, subject to appropriate standards.

Unitary Plan Committee
25 February 2014



Item 11

Attachment A

Item 9

Not applicable	Chapter H: 4.2 Earthworks – 2.1.1.10	<p>Replace existing clause 10 with the following:</p> <p><u>In relation to historic heritage places and sites and places of significance to Mana Whenua, where the 'extent of place' is not mapped, earthworks must be located at least 20m from any scheduled historic heritage place or scheduled sites and places of significance to Mana Whenua.</u></p>	<p>Firstly, it avoids the current duplication between the Auckland-wide earthworks rules and the rules for sites and places of significance to Mana Whenua.</p> <p>Secondly, it clarifies that a 20 metre buffer applies (as opposed to 50 metres).</p> <p>Thirdly, it clarifies that the 20 metre buffer for scheduled historic heritage places does not apply beyond the 'extent of place', where this has been mapped. Most buildings have an 'extent of place' mapped to the property boundary.</p>
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Consultation

33. The development of the council's own submission to the PAUP has involved input from departments across the council, CCOs and local boards as described within paragraphs 15-20 above.

Significance of Decision

34. The decision made by the council to submit to the PAUP will in many cases ensure an opportunity to 'front foot' some issues. Some of these issues are of particular interest to the local boards, CCOs and other key stakeholders, parties and have been developed through the ongoing discussions and workshops noted above.
35. The submission also provides the council with the opportunity to iron out some errors such as grammar and spelling, cross referencing and linking, numbering and errors with images (including maps).
36. Clause 6 of the First Schedule of the RMA provides the council with the ability to make a submission to the PAUP.

Decision Making

37. The Governing Body holds the delegated authority to endorse and lodge submissions to RMA proposed plans.

Consideration

Local Board Views

38. Local board chairs have attended the Unitary Plan Committee workshops to help build the council's submission. In addition, local boards have been invited to record their community views within Part Two of the submission.

Unitary Plan Committee
25 February 2014



Maori Impact Statement

39. Staff are separately advising Mana Whenua about the content of Unitary Plan and the process for their submissions. Mana Whenua technical hui were held on 27 and 28 November 2013 and 29 January 2014 to assist Mana Whenua in navigating the PAUP. It is understood that Mana Whenua will lodge their submissions by 28 February 2014.

Financial and Resourcing Implications

40. The submission is within ongoing operational budgets.

Legal and Legislative Implications

41. Legal services were involved in senior management review sessions of matters for possible inclusion within the council submission. As stated in paragraph 27 above, Clause 6 (2) to the First Schedule of the RMA expressly provides for the council to make a submission on its own policy statement or plan.

Attachments

Due to its size and complexity, the attachment is available under separate cover and available on the council's website.

Signatories

Authors	Phill Reid - Unitary Plan Integration Manager
Authorisers	Penny Pirrit - Regional & Local Planning Manager

Item 9

Item 11

Attachment A

Review of Auckland Council CCOs – Terms of Reference

File No.: CP2014/02608

Purpose

1. To approve the Terms of Reference for the review of Auckland Council, Council Controlled Organisations (CCOs).

Executive Summary

2. The Auckland Council is undertaking a review of its council controlled organisations (CCOs) to determine whether there is a need to change the scope of activities and functions within any CCO, the structures that the CCOs operate within, or any of the accountability mechanisms between CCOs and Council.
3. A draft Terms of Reference (TOR) for the CCO review was distributed by the Mayor on Friday 20 December 2013 to all elected members (both councillors and local board members), the CCOs and the Independent Māori Statutory Board, asking for feedback.
4. Feedback was received on the TOR from Councillors, the CCOs, the Independent Māori Statutory Board and staff from within Council.
5. There were some common themes amongst the feedback, particularly on the scope of the TOR and review. This included the need to reduce duplication between Auckland Council and CCO activities, views as to the best location or responsibility for strategy/policy development, and where an activity is split between Auckland Council and one or more CCO the need to assess the impact this may have on outcomes and delivery.
6. Effective communication and collaboration across organisations and achieving constructive and positive engagement with Aucklanders were also identified as critical issues for the review.
7. A key change to the TOR is an extended timeline. Whilst there is agreement that the timeframe of the review needs to be finite there is also an understanding that sufficient time is required to get full participation and feedback at the appropriate points of the process.
8. The intention now is to complete the review and be ready to implement agreed outcomes by 30 June 2015, which also aligns the CCO review with the Long Term Plan process.
9. A final version of the Terms of Reference is attached to this report for consideration and endorsement by the Governing Body, which includes changes and additions based on the feedback received.
10. Once the TOR is approved by the Governing Body the review of Auckland Council CCOs can begin.
11. The project sponsor for the CCO review is Auckland Council Chief Executive, Stephen Town.

Recommendation/s

That the Governing Body:

- a) approve the Terms of Reference for the review of Auckland Council, Council Controlled Organisations.

Discussion

12. At the start of the current Auckland Council term a review of the Auckland Council CCOs was identified as a priority.
13. The Auckland Council has seven substantive council controlled organisations (CCOs) which were established as part of the 2010 reorganisation of Auckland's local government. In addition it has smaller legacy CCOs that were transferred from the legacy councils. The review of Auckland Council CCOs is focused on the substantive CCOs.
14. The substantive CCOs were established by the government and Auckland Transition Agency, under the Local Government (Auckland Council) Act 2009 or via Order in Council, to deliver a range of activities previously delivered by the legacy councils and their associated organisations.
15. After three years of operation within this structure both Council and the substantive CCOs agree that the CCO review is an opportunity to evaluate the current model and determine whether there is a need to change the scope of activities and functions within any CCO, the structures that the CCOs operate within or any of the accountability mechanisms between CCOs and Council.
16. With the Auckland Plan, the council has a much clearer picture of its strategic priorities and can use this review to address the alignment of Council service delivery with strategic priorities.

Development of a Terms of Reference

17. In order to determine the objectives, scope and methodology for the review a TOR has been drafted for consideration by council.
18. In addition to the development of the TOR Councillors, Local Boards, CCOs and the IMSB have been contributing to a current state assessment which will inform the first stage of the review process and has informed the development of the TOR.
19. An initial draft TOR was distributed by the Mayor at the end of 2013 to all elected members, CCOs and the IMSB for consideration and feedback.
20. Feedback was received on the TOR from Councillors, the CCOs, the Independent Māori Statutory Board and staff from within Council.
21. There were some common themes amongst the feedback, particularly on the scope of the TOR and review. This included the need to reduce duplication between Auckland Council and CCO activities, views as to the best location or responsibility for strategy/policy development, and where an activity is split between Auckland Council and one or more CCOs the need to assess the impact this may have on outcomes and delivery.
22. Effective communication and collaboration across organisations and achieving constructive and positive engagement with Aucklanders were also identified as critical issues for the review.
23. The proposed TOR enables issues raised to be addressed or investigated as part of the review.
24. A key change to the TOR is an extended timeline. Whilst there is agreement that the timeframe of the review needs to be finite there is also an understanding that sufficient time is required to get full participation and feedback at the appropriate points of the process.
25. The intention now is to complete the review and be ready to implement agreed outcomes by 30 June 2015, which also aligns the CCO review with the Long Term Plan process.

Proposed Terms of Reference and next steps

26. A final version of the proposed TOR is attached to this report for consideration and approval by the Governing Body, which includes changes and additions based on the feedback received.
27. Once the TOR is approved by the Governing Body the review of Auckland Council CCOs can begin. This will complete Phase One of the process/timeline included in the TOR.
28. Phase Two of the timeline is first stage of the review itself. This will include analysis of CCO and related activities and functions against criteria and current state assessments to provide an initial report on appropriate delivery mechanisms for each activity/function and proposed CCO structures.

Consideration

Local Board Views

29. As noted above the draft TOR for the review was distributed to all Local Boards on Friday 20 December 2013. No formal feedback from local boards had been received at the time of writing this report. However, local boards are also participating in the current state assessment process and this feedback is expected to come via local board discussions or business meetings between February and April 2014. This feedback will inform the analysis of CCO and related activities and functions.

Māori Impact Statement

30. CCOs, as delivery agents of Council, have the potential to have a significant impact on positive outcomes for Māori. The review of CCO's is therefore an opportunity to ensure that Council's commitments and obligations to Māori are reflected in the arrangements between Council and its CCOs.
31. Te Waka Angamua and the Independent Māori Statutory Board have contributed to the development of the TOR and will continue to be included in the review process moving forward. Any Governing Body workshops or discussions required as part of the review will include CCO Governance and Monitoring Committee IMSB members. The need to clearly identify council's statutory obligations to Māori and the need for the review to facilitate alignment with council's Māori Responsiveness Framework was highlighted by the IMSB and Te Waka Angamua. These changes are reflected in the attached TOR.
32. Consultation with Māori, including Mana Whenua, Mataawaka and Iwi, would form part of any public consultation, should this occur during Phase Three of the review.

Implementation Issues

33. The project sponsor for the CCO review is Auckland Council Chief Executive, Stephen Town.
34. The CCO review process will be completed with, primarily, internal resources. There may be some small pieces of work that will need to be contracted out but this is intended to be minimal and will be resourced from existing budgets.

Attachments

No.	Title	Page
A	Review of Auckland Council CCOs - Proposed Terms of Reference	23

Signatories

Author	Mark Butcher - Treasurer
Authorisers	Andrew McKenzie - Chief Finance Officer Stephen Town - Chief Executive

REVIEW OF AUCKLAND COUNCIL CCOS

TERMS OF REFERENCE

BACKGROUND

The Auckland Council has seven substantive council controlled organizations (CCOs) which were established as part of the 2010 reorganisation of Auckland's local government. In addition it has nine smaller legacy CCOs that were transferred from the legacy councils. This review is focused on the substantive CCOs.

The substantive CCOs were established by the government and Auckland Transition Agency to deliver a range of activities previously delivered by the legacy councils and their associated organisations. After three years of operation within this structure the CCO review is an opportunity to evaluate the current model and determine whether there is a need to change the scope of activities and functions within any CCO, the structures that the CCOs operate within or any of the accountability mechanisms. Unlike three years ago, the council now has the Auckland Plan, a much clearer picture of its strategic priorities and can use this review to address the alignment of Council service delivery with the strategic priorities.

The seven substantive CCOs are:

Auckland Transport was established under the Local Government (Auckland Council) Act 2009 as a statutory entity. (Note -this restricts the level of change that council can effect to the structure of AT unless there is a change to the legislation.) The legislative purpose of AT is "to contribute to an efficient, effective and safe Auckland land transport system in the public interest." The governance structure of AT is also established by the legislation as between 6 and 8 directors appointed by Auckland Council of which up to two can be members of the governing body and , in addition 1 director appointed by NZTA.

Auckland Council Property Ltd was established by Order in Council in 2010 to manage the council property assets, facilitate private sector collaboration in property projects, bring a commercial perspective to the council's planning initiatives and manage council's rights and interests in relevant properties, projects and business activities. The Board of ACPL may have up to 7 directors.

Auckland Council Investments Ltd was established by Order in Council in 2010 to bring a strong commercial focus to the ownership and governance of council's major investment assets. The Board of ACIL is made up of 5 directors. The investment assets that ACIL owns and manages are the shares in Ports of Auckland Limited (100%), Auckland International Airport Limited (22.4%, held by two subsidiary companies) and Auckland Film Studios

Limited (100%). ACIL also manages an investment portfolio of diversified financial assets which is owned by Council.

Auckland Waterfront Development Agency was established by Order in Council in 2010 to (consistent with Auckland Council's vision for the waterfront) lead a strategic approach to developing the Auckland waterfront, develop property that it controls and act in a commercial way in its development projects including investing in projects that achieve high quality urban transformation outcomes. The Board of AWDA may have up to 7 directors.

Auckland Tourism Events and Economic Development was established by Order in Council in 2010 to lift Auckland's economic wellbeing, support and enhance Auckland's contribution to the NZ economy and assist Auckland to compete internationally as a desirable place to visit, live, work, invest and do business.

Regional Facilities Auckland was established by Order in Council in 2010. RFA is a trust but is governed by a corporate trustee RFA Ltd which has a Board with up to 9 directors. RFA's objectives are to support Auckland as a vibrant city that attracts world class events and promotes the wellbeing of the communities of Auckland by engaging those communities and visitors in arts, culture, heritage, leisure, sport and entertainment venues. It is also tasked with continuing to develop, from a regional perspective, world class arts, culture, heritage, leisure, sport and entertainment venues as well as working with central government and Auckland Council to integrate and review legislation related to associated regional entities.

Watercare Services Ltd was an existing entity and under the Local Government (Auckland Council) Act 2009 was given the responsibility of becoming the vertically integrated provider of wholesale and retail water and wastewater services. It has obligations to manage its operations efficiently with a view to keeping the costs of water and wastewater supply at minimum levels while maintaining the long-term integrity of the assets. Watercare is also prevented from paying a dividend or distributing any surplus to the council as owner. The company became a CCO on 1 July 2012 and is prevented from being disestablished as a CCO until 30 June 2015. The Watercare constitution allows for up to 8 directors.

OBJECTIVES

The objectives of the review of CCOs are:

1. To ensure the governance structures and accountability mechanisms:
 - a) Facilitate appropriate alignment of the CCO operations with the Auckland Plan and other council strategies and policies, including the Māori Responsiveness Framework
 - b) Provide an effective and efficient model of service delivery for Auckland Council and Aucklanders
 - c) Provide a sufficient level of political oversight and public accountability

2. In addition the review will seek to:

- a) Provide clarity of role and responsibilities e.g. development of strategies, prioritisation of work programmes
- b) Eliminate duplication and gaps between the Auckland Council group organisations
- c) Identify any opportunities for better integration of activities and functions to enable optimal service delivery and a positive interface between the Auckland Council group organisations and Aucklanders.

SCOPE

The scope of the review will be to assess the areas of activity of the seven substantive CCOs and those areas of the council operations that overlap with the CCO activities/functions in order to address the following issues:

- The rationale for delivery of an activity/function by either council or a CCO (or another mechanism)
- The appropriate place for strategy development, including capital priority setting, for each externally delivered activity (noting that different levels of strategy could be developed by council and a CCO)
- The appropriate mechanisms to ensure CCOs contribution to the development and delivery of broader council strategy and policy, including its statutory obligations to Māori and reference to the Māori Plan for Tāmaki Makaurau
- The appropriate mechanisms for accountability of the CCOs and whether the current mechanisms are sufficient and effectively applied
- The degree of specification vs flexibility in delivery and budgeting
- Opportunities for further cost efficiencies through the extension of shared services
- Opportunities for alignment with operational policy e.g. procurement, remuneration policy
- Appropriate governance structure/s for the CCOs (and consequently consideration of the Auckland Council committee structure)
- Appropriate non-structural mechanisms for addressing integration issues between different CCOs and CCOs and council (Governing Body and Local Boards) and the IMSB
- Duplication and gaps in activity delivery
- Extent of any CCO responsibility for funding and revenue generation

Matters that will be out of scope include:

- The structure of Auckland Transport which is governed by legislation (however there are other issues that will be reviewed and may result in a request for legislative change e.g. the current responsibility for the development of transport strategy, plans and bylaws)

- The broader range of council activity that does not overlap with the activities of the CCOs

Note: the Local Government Act 2002 Amendment Bill (No 3) introduces the requirement for councils to review the cost-effectiveness of current delivery arrangements and funding mechanisms of all activities every three years. If this requirement is passed into legislation a full review of activity delivery will be required at some stage.

METHODOLOGY

The approach to the review is in five broad steps:

1. Current state

- a) Current state assessment - Identify issues and opportunities that the review needs to address
- b) Current state analysis - Review and definition of the key activity/functional areas of each of the existing CCOs

Identification of the key areas of overlap between each CCO, other CCOs and Council as well as gaps

2. Confirm appropriate delivery mechanisms for the range of activities/functions within the scope of the review

Develop criteria to determine those activities/functions to be delivered by a CCO, council or another mechanism

Review the key activity areas and functions of the current CCOs and the overlapping council activities/functions against those criteria

Specifically consider strategy versus delivery activities and opportunities for further shared services

3. Determine the most effective grouping of activities/functions into CCO structures

Develop options for CCO structures which:

- Provide the best strategic alignment of activities (with a particular emphasis the on the key focus areas for the council over the short to medium term e.g. housing, transport)
- Address issues of overlaps and gaps to the greatest extent
- Provide efficient delivery of services under appropriate governance structures

- Consider legislative (including statutory obligations to Māori) and other implementation issues

Note: At this stage it may become apparent that the initial analysis in step 2 should be revisited for practical reasons when activities are grouped together.

4. Define accountability, integration and collaboration mechanisms

Review and modify existing accountability documents and processes as necessary

Determine whether additional mechanisms are required e.g. funding agreements

Assess communication and collaboration across the Auckland Council group organisations

Determine any opportunities for more effective approaches to customer relationship management and public engagement

Note: the Local Government Act 2002 Amendment Bill (No 3) introduces the requirement to “ensure that there is a contract or other binding agreement” where services are delivered by a different entity. If passed into legislation, this requirement would require far more definition than is currently the case for the CCOs.

5. Develop an implementation programme

The intent of this step is to develop a programme to roll out any agreed changes to the activities, responsibilities and structures of the CCOs and Council. The amount of work in this step will be determined by the extent of any agreed change. At this stage indicators of success of any proposed change will be identified.

PROCESS/ TIMELINE

A review of this nature inevitably creates uncertainty for staff in the CCOs and council. It also creates a distraction from the day to day business of delivering projects and services to Aucklanders. In order to minimise these impacts it is intended that the process be completed as quickly as possible but balancing this with the need to ensure that all of the key stakeholders have the opportunity for input.

The proposed general process and timeline is as follows:

PHASE ONE

December 2013

- Circulate the draft Terms of Reference to elected members (councillors and local board members), CCOs and IMSB

January/February 2014

- Prepare current state assessment from council's perspective and circulate to Councillors, Local Boards and IMSB for feedback
- Prepare current state assessment from CCO's perspective
- Governing Body workshop (including CCO Governance and Monitoring Committee IMSB members) on ToR and current state assessment (mid Feb)

February 2014 Governing Body

- Decisions on Terms of Reference
- Consideration of current state assessment report and feedback from LBs and IMSB

PHASE TWO*

**NB: The exact timeframes for each of the steps in Phase two and three will be determined as the process moves forward. However, the intention is to align the review timeframe with the Long Term Plan process and therefore for the review to be complete and any outcomes ready for implementation by 30 June 2015.*

- Develop criteria for assessment of delivery models
 - Analysis of CCO and related activities and functions against criteria and current state assessments to provide an initial report on appropriate delivery mechanisms for each activity/function and proposed CCO structures
-
- Governing Body workshop (including CCO Governance and Monitoring Committee IMSB members) on initial report on delivery mechanisms and CCO structures
-
- Circulate initial report on delivery mechanisms and CCO structures to CCOs, Councillors, Local Boards and IMSB for feedback
 - Commence work on options for non-structural mechanisms for accountability and integration
-
- Governing Body decision on delivery mechanisms and CCO structures (Note: May be subject to public consultation – see below)

PHASE THREE

- Public engagement on delivery mechanisms and CCO structures - if required
 - Discussion with CCOs on non-structural mechanisms for accountability and integration
 - Engagement with Councillors, Local Boards and IMSB on proposals
 - Commence work on implementation plan
-

- Governing Body report and decisions on non-structural mechanisms for accountability and integration
 - Discussions with CCOs on implementation plan
-

- Governing Body Report and decisions on implementation plan

Note: The requirement for public engagement will depend on the extent of change that is ultimately agreed by the governing body. The extent and approach to public engagement can be determined at that point.

RESOURCES

The CCO review process will be completed with, primarily, internal resources. There may be some small pieces of work that will need to be contracted out but this is intended to be minimal and will be resourced from existing budgets.

Council Controlled Organisation Review – Current State Assessment

File No.: CP2014/02378

Item 13

Purpose

1. To report to the Governing Body on the current state assessment that has been undertaken to inform the Council Controlled Organisation (CCO) review.

Executive Summary

2. This report was not available at time of print and will be distributed in an addendum agenda prior to the Governing Body meeting.

Recommendation

The agenda report will contain the recommendation for this item.

Attachments

There are no attachments for this report.

Signatories

Author	Rita Bento-Allpress - Democracy Advisor
Authorisers	Stephen Town - Chief Executive

Proposed Auckland Council membership on the Tūpuna Maunga o Tāmaki Makaurau Authority

File No.: CP2014/01962

Purpose

1. To:
 - recommend that Auckland Council elected membership on the Tūpuna Maunga o Tāmaki Makaurau Authority (the Maunga Authority) comprise of three Governing Body and three local board members
 - appoint three Governing Body members to the Maunga Authority
 - recommend the creation of a Local Board Forum, with whom the council members of the Maunga Authority can engage to provide information to and receive input from affected local boards.

Executive Summary

2. The Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Bill 2013 (the Bill) is to give effect to certain matters contained in the deed entered into by the Crown and Ngā Mana Whenua o Tāmaki Makaurau Collective (the Tāmaki Collective). The Bill provides shared redress to the Iwi / Hapū constituting Ngā Mana Whenua o Tāmaki Makaurau.
3. The Bill establishes the Tūpuna Maunga o Tāmaki Makaurau Authority (the Maunga Authority) and sets out matters relating to its membership, functions and powers, administration and procedures. The membership consists of two members appointed by each of the three rūpū entities to which the 13 iwi and hapu constituting the collective associate, six members appointed by council and one non-voting member appointed by the Minister for Arts, Culture and Heritage (for the first three years of the Maunga Authority).
4. It is proposed that council membership on the Maunga Authority consist of three Governing Body and three local board members. This composition is recommended because it:
 - a) enables shared representation from the Governing Body and local boards that reflects council's shared decision making model
 - b) allows for Governing Body members to account for the views from a regional perspective
 - c) allows local board members to reflect views from a local perspective, whilst also being responsible for taking a region-wide perspective in the administration of the maunga
 - d) provides flexibility and changes to the membership structure over time
 - e) enables stronger links between the Maunga Authority and local communities, many of whom are active in the stewardship of maunga.
5. The proposed council membership for the Maunga Authority has been guided by the direction of the Political Working Party, which highlighted a preference for a mixed membership of Governing Body and local board members and members who had a strong interest in or knowledge of the maunga. It is proposed that the following criteria also be considered when nominating and appointing members to the authority:
 - a) given the regional nature of their responsibilities governing body representation should not be restricted to councillors within whose wards the maunga are situated
 - b) that local board representatives are appointed from areas of the region where maunga

included in the settlement are located

- c) that the Governing Body and local boards consider a geographic spread of representation when appointing Maunga Authority members.

6. The creation of a local board forum is recommended consisting of a local board representative from each of the eight local boards affected. The forum will provide for a two-way dialogue on issues affecting the maunga between the council members on the Maunga Authority and the forum.

Recommendation/s

That the Governing Body:

- a) agree that Auckland Council elected membership on the Tūpuna Maunga o Tāmaki Makaurau Authority comprise of three Governing Body and three local board members.
- b) appoint three Governing Body members to the Tūpuna Maunga o Tāmaki Makaurau Authority.
- c) invite the eight local boards within whose area the maunga are located to nominate three members to be appointed to the Tūpuna Maunga o Tāmaki Makaurau Authority by the Governing Body at its March meeting.
- d) invite the eight local boards to appoint a member each to a forum which will engage with the council members of the Tūpuna Maunga o Tāmaki Makaurau Authority on matters affecting the maunga.
- e) forward the report and recommendations to all local boards and the Independent Māori Statutory Board for their information.

Discussion

Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Bill 2013

7. The purpose of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Bill 2013 (the Bill) is to give effect to certain matters contained in the Tāmaki Makaurau Collective Deed of Settlement entered into by the Crown and Ngā Mana Whenua o Tāmaki Makaurau Collective (the Tamaki Collective). The Bill provides shared redress to the Iwi and Hapū constituting Ngā Mana Whenua o Tāmaki Makaurau, including:
- restoring ownership of certain maunga and motu of Tāmaki Makaurau to the Iwi and Hapū, the maunga and motu being treasured sources of mana to the Iwi and Hapū
 - providing mechanisms by which the Iwi and Hapū may exercise mana whenua and kaitiakitanga over the maunga and motu
 - providing a right of first refusal regime in respect of certain land of Tāmaki Makaurau to enable those Iwi and Hapū to build an economic base for their members.
8. The maunga will be held in trust for the common benefit of Ngā Whenua o Tāmaki Makaurau and the other peoples of Auckland.

9. The iwi/hapu who form the collective are:
- Ngāi Tai ki Tāmaki
 - Ngāti Maru
 - Ngāti Pāoa
 - Ngāti Tamaoho
 - Ngāti Tamaterā
 - Ngāti Te Ata
 - Ngāti Whanaunga
 - Ngāti Whātua o Kaipara
 - Ngāti Whātua Ōrākei
 - Te Ākitai Waiohua
 - Te Kawerau ā Maki
 - Te Patukirikiri
 - Hapū of Ngāti Whātua (other than Ngāti Whātua o Kaipara and Ngāti Whātua Ōrākei) whose members are beneficiaries of Te Rūnanga o Ngāti Whātua, including Te Taoū not descended from Tiperiri.
10. The Bill was presented on 1 August 2013 to Parliament for its first reading. After hearing submissions on the Bill the Māori Affairs Select Committee reported back to Parliament in December and the Bill is expected to be enacted in February/March 2014.

Further background information on the settlement is contained in attachment one.

Tūpuna Maunga o Tāmaki Makaurau Authority

11. The Bill establishes the Tūpuna Maunga o Tāmaki Makaurau Authority (the Maunga Authority) and sets out matters relating to its membership, functions and powers, administration and procedures. The membership consists of:
- two members appointed by each rūpū entity
 - six members appointed by council
 - one non-voting member appointed by the Minister for Arts, Culture and Heritage (for the first three years of the Maunga Authority).
12. The members appointed by the rūpū entities must appoint the chairperson and the members appointed by council must appoint the deputy chairperson. The Bill sets out further matters relating to standing orders, meetings, remuneration, delegations, conflicts of interest and a terms of reference.
13. The Governing Body's Treaty Settlements Political Working Party (the PWP) has indicated support for six meetings in the first year, then the Maunga Authority shall determine meeting frequency for subsequent years. However, it is likely that workshops or additional meetings will be required in the first year to enable the Maunga Authority to receive information and discuss matters required to fulfil its responsibilities.

Role of the Maunga Authority

14. The Maunga Authority will develop an integrated management plan for each maunga (and any additional land administered by the Maunga Authority). The Maunga Authority is an administering body for the purposes of the Reserves Act 1977 and the integrated management plan must comply with relevant provisions of this Act.
15. Each financial year the Maunga Authority and council must prepare, agree and adopt an operational plan to provide the framework for council to carry out its responsibilities for management of the maunga. A summary of the operational plan must be included in council's annual and long-term plans.
16. The Maunga Authority must have regard to the following when exercising its powers and carrying out its functions:
 - the spiritual, ancestral, cultural, customary and historical significance of the maunga to Ngā Mana Whenua o Tāmaki Makaurau
 - the maunga is held for the common benefit of Ngā Mana Whenua o Tāmaki Makaurau and the other people of Auckland.
17. Existing third party interests associated with the use of the maunga will be protected in the settlement legislation. These interests are detailed under schedule one of the Bill.

Role of Auckland Council

18. While not a party to the settlement, council will become involved in its implementation as part of the Maunga Authority, which will administer the lands and carry out the functions provided for in the settlement legislation.
19. The settlement legislation will also require council to provide Maunga Authority with the administrative support necessary for it to carry out its functions, including responsibility for costs and routine management in relation to the maunga and administered lands. The establishment of the Maunga Authority and the co-governance regime represents a significant change in the way that the council participates in the administration and management of the maunga.
20. Council will carry out its responsibilities for management of the maunga in accordance with an annual operational plan and under the direction of the Maunga Authority. Council is responsible for the costs of carrying out these responsibilities and for the costs of the Maunga Authority (to the extent allowed by revenue from the maunga and any other funding associated with the maunga).
21. Council must also meet annually with the Tamaki Collective to discuss matters relating to the maunga including the performance of the Maunga Authority and its proposed activities in the following year.

22. The following table outlines the location of the maunga by local board and ward area:

Maunga	Local board area	Ward area
<ul style="list-style-type: none"> Maungawhau / Mt. Eden Owairaka / Mt. Albert Te Kopuke – Titikopuke / Mt. St. John. 	Albert-Eden	Albert-Eden-Roskill
<ul style="list-style-type: none"> Puketapapa – Pukewiwi / Mt. Roskill Te Tātua-a-Riukiuta / Big King. 	Puketapapa	
<ul style="list-style-type: none"> Maungauika / North Head¹ Takarunga / Mt. Victoria. 	Devonport-Takapuna	North Shore
<ul style="list-style-type: none"> Ohuairangi / Pigeon Mountain. 	Howick	Howick
<ul style="list-style-type: none"> Maungakiekie / One Tree Hill Maungarei / Mt. Wellington Otahuhu / Mt. Richmond Rarotonga / Mt. Smart. 	Maungakiekie-Tamaki	Maungakiekie-Tamaki
<ul style="list-style-type: none"> Mangere Mountain² 	Mangere-Otahuhu	Manukau
<ul style="list-style-type: none"> Matukutururu / Wiri Mountain. 	Manurewa	Manurewa-Papakura
<ul style="list-style-type: none"> Ohinerau / Mt. Hobson. 	Orakei	Orakei

Auckland Council membership on the Maunga Authority

23. It is proposed that council membership on the Maunga Authority consist of three Governing Body and three local board members. This composition is recommended because it:

- enables shared representation from the Governing Body and local boards that reflects council's shared decision making model
- allows for Governing Body members to account for the views from a regional perspective
- allows local board members to reflect views from a local perspective, whilst also being accountability from a region-wide perspective as well
- provides flexibility and changes to the membership structure over time
- enables stronger links between the Maunga Authority and local communities, many of whom are active in the stewardship of maunga

24. The proposed council membership for the Maunga Authority has been guided by the direction of the Political Working Party, which highlighted a preference for a mixed membership of Governing Body and local board members and members who had a strong interest in or knowledge of the maunga. It is proposed that the following criteria also be considered when nominating and appointing members to the authority:

- Given the regional nature of their responsibilities governing body representation should not be restricted to councillors within whose wards the maunga are situated
- that local board representatives are appointed from areas of the region where maunga included in the settlement are located
- that the Governing Body and local boards consider a geographic spread of representation when appointing Maunga Authority members.

¹ Subject to due diligence undertaken by council.

² Subject to final settlement legislation.

Local Board Forum

25. The creation of a local board forum is recommended consisting of a local board representative from each of the eight local boards affected. The forum will provide for a two-way dialogue on issues affecting the maunga between the council members on the Maunga Authority and the forum.
26. It is proposed the eight local boards affected be invited to nominate three members to be appointed to the Maunga Authority by the Governing Body at its meeting in March 2014.

Consideration

Local Board Views

27. Local board representation on the Maunga Authority will ensure that the views of local boards with maunga in their area are given appropriate consideration when making future decisions regarding the maunga.
28. The Local Board Forum will provide an additional mechanism for local boards with maunga in their area to highlight their key priorities to the council members of the Maunga Authority.
29. The maunga are significant landmarks and valuable local assets within their communities. Local boards have expressed a strong interest in being involved in the co-governance arrangements to ensure local communities remain involved in the planning and management of the maunga moving forward.
30. Local communities have been involved in the maintenance and restoration of local maunga for many years and will continue to play an important role in their stewardship. Local boards play an important role in advocating on behalf of their communities and can help ensure local considerations are taken into account in the planning and maintenance of the maunga. Many local boards have priorities in the local board plans relation to maunga.

Māori Impact Statement

31. Council staff have been involved in active and collaborative engagement with the Tamaki Collective to prepare for the establishment of the Maunga Authority and the matter which must be addressed at its first meeting. This process has served to reinforce the historical and cultural importance of the maunga to the Tamaki Collective and engendered a positive relationship between the Tamaki Collective and council.

Implementation Issues

Next steps to implement the Maunga Authority

32. The following table outlines the next key steps and expected timeline to implement the Maunga Authority:

Deliverable	Date	Description
Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Bill 2013 enacted	February/March 2014	The final reading of the Bill is undertaken and is enacted into legislation
Inaugural meeting of the Maunga Authority	April/June 2014	The first meeting of the Maunga Authority. The Bill will become effective 20 working days after its enactment and the Maunga Authority must meet no later than four weeks after that. At its first meeting the authority must: <ul style="list-style-type: none"> • appoint the chairperson and deputy chairperson • agree a schedule of meetings for the following 12 months • adopt standing orders for the conduct of its meetings • make initial delegations • adopt the interim operational plan.
Site visits	To be determined	For Maunga Authority members, Auckland Council representatives and mana whenua to visit all maunga and discuss and understand each other's values regarding the maunga.

Attachments

No.	Title	Page
A	Auckland Council's settlement and governance responsibilities for Auckland's maunga	41

Signatories

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Authorisers	Grant Taylor - Governance Director Stephen Town - Chief Executive

Attachment one: Auckland Council's settlement and governance responsibilities for Auckland's maunga

Introduction

1. The principal report provides background information on the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Bill 2013 and recommends the composition and method of appointment of Council representation on the Maunga Authority.
2. This appendix contains additional information on the settlement and on the governance responsibilities of different parts of the Auckland Council, regarding the Maunga.
3. Reference to "the Bill" is to the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Bill as reported from the Māori Affairs Committee.

Governance responsibilities

4. Decision making responsibilities of the Council are shared between the Governing Body and the Local Boards, in accordance with decision allocations adopted through the LTP process. Parks which are subject to the settlement with Nga Mana Whenua o Tamaki Makaurau (the Tamaki Collective), are allocated to the governing body as an interim measure until such time as the Tupuna Maunga o Tamaki Makaurau Authority (the Maunga Authority) is formed.

The Governing Body is guided in its responsibilities by the Te Tiriti o Waitangi / Treaty of Waitangi Settlement Working Party (the working party).

Specific settlement details

5. The purpose of the proposed Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act is to provide shared redress to the iwi and hapū constituting Ngā Mana Whenua o Tāmaki Makaurau (the Tamaki Collective). Other redress is also being negotiated with specific iwi and hapu who are members of the Collective.
6. The Council's primary focus is the establishing of the Maunga Authority which will co-govern Crown-owned parts of some of the maunga of Auckland:
7. The Council will be asked to make decisions regarding the inclusion of Maungauika / North Head and Council-owned land on the maunga.
8. In addition, the legislation provides mechanisms by which the iwi and hapū may exercise mana whenua and kaitiakitanga over the maunga and motu (islands) and will provide a right of first refusal regime in respect of certain land of Tāmaki Makaurau to enable those iwi and hapū to build an economic base for their members.

Settlement Parties

9. The iwi/hapu that forms the Tamaki Collective are listed in the principal report. The Crown is the other party. Not all of those with an interest in Auckland are part of the Tamaki Collective.

Maunga

10. The maunga (other than Maungauika and Rarotonga / Mount Smart) will remain as reserves and vest in the trustee of the Tūpuna Taonga o Tāmaki Makaurau Trust, subject to certain interests which are identified in the legislation. The trustee will be shown as the registered proprietor. They will be administered by the Tūpuna Maunga o Tāmaki Makaurau Authority (Maunga Authority). They are:
 - Matukutūruru / Wiri Mountain
 - Maungakiekie / One Tree Hill
 - Maungarei / Mount Wellington
 - Maungawhau / Mount Eden
 - Mount Albert
 - Mount Roskill
 - Mount St John
 - Ōhinerau / Mount Hobson
 - Ōhūiarangi / Pigeon Mountain
 - Ōtāhuhu / Mount Richmond
 - Takarunga / Mount Victoria
 - Te Tātua-a-Riukiuta / Big King.
11. Maungauika will vest in the trustee and initially be administered by the Crown.
12. Rarotonga / Mount Smart will vest in the trustee and continue to be administered by the Auckland Council. The Mount Smart Regional Recreation Centre Act 1985 and the status of Regional Facilities Auckland will continue to apply.
13. A 'northern lobe' of crown-owned land on Maungakiekie/One Tree Hill and Crown-owned parts of Māngere Mountain will remain in Crown ownership, but administration will be transferred to the Maunga Authority. These are referred to in the legislation as "administered lands".
14. Improvements owned by the Crown immediately before the vesting and attached to Takarunga / Mount Victoria or Matukutūruru vest in the Maunga Authority.
15. Improvements owned by the Auckland Council on maunga immediately before the vesting remain vested in the Auckland Council. However, the improvements must be treated as if they were vested in the Maunga Authority for the purposes of administering the maunga under the Reserves Act 1977. These improvements are not an interest in the land.
16. Any computer freehold register for each maunga will record that the iwi and hapū of Ngā Mana Whenua o Tāmaki Makaurau specified for that maunga have spiritual, ancestral, cultural, customary, and historical interests in the maunga. (This does not identify an interest in the land).
17. Any bylaw, prohibition, or restriction on use or access imposed by an administering body (e.g. the Council) under the Reserves Act 1977 or Conservation Act 1987 remains in force until it expires or is revoked under the Reserves Act or the Conservation Act.
18. The Maunga Authority must prepare and approve an integrated management plan for the maunga, Maungauika, Mount Mangere and the Northern land on Maungakiekie and any land for which any other enactment requires the Maunga Authority to be the administering body.
19. The trustee may grant approval to 1 or more members of Ngā Mana Whenua o Tāmaki Makaurau to carry out an authorised cultural activity on maunga.

20. In addition to those interests which affect the maunga, this settlement will involve the granting of the following interests in the motu.

Motu (Islands)

21. The fee simple estate of the motu vests in the trustee and then re-vests in the Crown 32 days later. Each motu remains a reserve under the Reserves Act 1977. Other enactments or instruments continue to apply to the motu (e.g. the Hauraki Gulf Marine Parks Act) and the Crown retains all management and administrative authority for the motu.
22. For the purposes of this legislation, the Motu are:
- Motuihe Island Recreation Reserve
 - Rangitoto Island Scenic Reserve
 - Motutapu Island Recreation Reserve
 - Tiritiri Matangi Island Scientific Reserve.
23. Ngā Pona-toru-a-Peretū (the summit of Rangitoto and part of Rangitoto Island Scenic Reserve), the Islington Bay Hall property, and the Islington Bay Bach 80 property ("Rangitoto Island properties") vest in the trustee. The three properties will be scenic reserve and will continue to form part of the Hauraki Gulf Marine Park. The Crown will continue to administer Ngā Pona-toru-a-Peretū and Islington Bay Hall. The Bach 80 property will be administered by the trustee.
24. Within 6 months of the effective date of the legislation, work will commence on a conservation management plan (the Tamaki Makaurau Motu Plan) for the Hauraki Gulf / Tīkapa Moana inner motu, which are:
- Browns Island Recreation Reserve (owned by Auckland Council and currently administered by DoC)
 - Motuihe Island Recreation Reserve
 - Motutapu Island Recreation Reserve
 - Rangitoto Island Scenic Reserve
 - the Rangitoto Island properties.
25. Browns Island Recreation Reserve will be included only while the Crown administers the reserve.

Political Working Party for negotiations with the Independent Māori Statutory Board for 2014/15 Funding Agreement

File No.: CP2014/02081

Purpose

1. To establish the Independent Māori Statutory Board (IMSB) Funding Agreement Political Working Party; appoint Governing Body members to the working party; and authorise the working party to negotiate with the IMSB to achieve a recommended IMSB funding agreement for the 2014/15 financial year for adoption by the Governing Body.

Executive Summary

2. Auckland Council and the IMSB are required each year to negotiate in good faith to achieve a funding and service level agreement for the IMSB.
3. IMSB funding for the 2014/15 year needs to be included in council's Annual Plan for 2014/15. The timing of the funding agreement must also enable IMSB to continue to carry out its purpose without interruption. To achieve both of these requirements, we recommend that the IMSB funding agreement is completed by early April and adopted at the Governing Body meeting on April 17 2014.
4. In previous years, the Governing Body delegated authority to a working party of three Councillors to conduct negotiations with the IMSB, prior to the funding agreement being approved by the full Governing Body. We recommend that a similar process is followed for funding agreement negotiations in this electoral term.
5. Familiarity with previous funding agreements would assist the working party for the 2014/15 year. Retaining some consistency of elected members from the previous working party for the IMSB funding agreement negotiations is desirable for this reason.

Recommendations

That the Governing Body:

- a) agree to establish a working party of elected members to conduct negotiations on behalf of the Governing Body for funding agreements with the Independent Māori Statutory Board in this electoral term.
- b) note the desirability of retaining some consistency of elected members from the previous working party for the Independent Māori Statutory Board funding agreement negotiations.
- c) appoint members to the political working party for the Independent Māori Statutory Board funding agreement negotiations for the 2014/15 financial year and remaining years of this electoral term.
- d) delegate authority to the Independent Māori Statutory Board Funding Agreement Political Working Party to negotiate with the Independent Māori Statutory Board to achieve a recommend funding agreement for adoption by the Governing Body in each financial year of this electoral term.

Discussion

6. Auckland Council and the IMSB are required each year to negotiate in good faith to “make a funding agreement on the amount of money and the level of servicing that the council is to provide to the board”³.
7. The funding agreement must include, or make provision for:
 - the reasonable costs of IMSB’s operations and secretariat;
 - IMSB seeking and obtaining advice and establishing committees;
 - IMSB’s work plan for the year;
 - IMSB board members fees and reasonable expenses.

Political Working Party

8. In previous years, the Governing Body delegated authority to a working party of three councillors to conduct negotiations with the IMSB, prior to the funding agreement being approved by the full Governing Body. We recommend that a similar process is followed for funding agreement negotiations in this electoral term.
9. The members of the political working party for the 2013/14 year were:
 - Councillor Christine Fletcher
 - Councillor Penny Webster
 - Councillor Richard Northey.
10. Previously Councillor Alf Filipaina was invited to attend working party meetings in his role as Governing Body liaison to the IMSB.
11. Familiarity with previous funding agreements would assist the working party for the 2014/15 year. Retaining some consistency of elected members from the previous working party for the IMSB funding agreement negotiations is desirable for this reason.

Timing

12. IMSB funding for the 2014/15 year needs to align with council’s Annual Plan for 2014/15. The funding agreement must also be “made within a time that enables the board to continue to carry out its purpose without interruption”⁴. To achieve both of these requirements, we recommend that the IMSB funding agreement is completed by early April and adopted at the Governing Body meeting on 17 April 2014.
13. To meet this deadline we anticipate that two or three meetings of the political working party in March/early April may be required.

Consideration

Local Board Views

14. This matter does not impact local boards. Their views have not been sought.

³ Local Government (Auckland Council) Act 2009, Clause 20 (2).

⁴ Local Government (Auckland Council) Act 2009, Clause 20 (6)

Māori Impact Statement

15. The funding agreement supports the IMSB to give effect to its statutory purpose of promoting cultural, economic, environmental, and social issues of significance for Māori in Tamaki Makaurau; and ensuring that the council acts in accordance with statutory provisions referring to the Treaty of Waitangi

General

16. Nothing to report.

Implementation Issues

17. This report recommends the establishment of a political working party. The working party is likely to meet two or three times between early March and early April 2014. There are no other implementation issues.

Attachments

There are no attachments for this report.

Signatories

Author	Deborah James - Executive Officer
Authorisers	Grant Taylor - Governance Director Stephen Town - Chief Executive

Exclusion of the Public: Local Government Official Information and Meetings Act 1987

That the Governing Body:

- a) exclude the public from the following part(s) of the proceedings of this meeting.
- b) agree that Andrew Harkness of Simpson Grierson be allowed to remain for item C1, Auckland Council Proposed Retail Bond Issue, as his knowledge of the matter will assist the Governing Body in its decision-making.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

C1 Auckland Council Proposed Retail Bond Issue

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 6.	s6(a) - The making available of the information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences and the right to a fair trial. In particular, the report contains a draft version of documents relating to the offer of securities to the public that cannot be released until a decision is made to proceed with the offer. To do so will breach the Securities Act.	s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 6.

C2 Te Tiriti / Treaty Settlements Update

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	s7(2)(c)(i) - The withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information or information from the same source and it is in the public interest that such information should continue to be supplied. In particular, the report contains information provided by the Crown to council in confidence on the	s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.

	understanding the information is negotiation sensitive between iwi / hapū and the Crown. If confidential information is made available, it will prejudice both those negotiations and the provision of similar information to council in the future.	
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