

Proposed Allocation of Decision-Making Responsibility for Non-Regulatory Activities

Source of decision-making responsibilities

The Governing Body and local boards obtain their decision-making responsibilities from three sources:

(a) Statutory decision-making responsibilities

The Governing Body and local boards have statutory responsibilities under the Local Government (Auckland Council) Act 2009 (Act). These statutory responsibilities are not repeated in the allocation table.

Governing Body: The Governing Body is a local authority, and hence has the power of general competence under section 12 of the Local Government Act 2002. In addition, the Governing Body has specific statutory decision-making responsibility for the following:

- The regulatory activities of Auckland Council (such as Unitary Plan, consenting, and bylaws)
- Allocation of non-regulatory activities to either local boards or the Governing Body
- Any non-regulatory activities of Auckland Council that are allocated to the Governing Body
- Agreeing local board agreements with local boards
- Emergency management
- Compliance with the financial management requirements of section 101 of the Local Government Act (including the Annual Plan, the Long-term Plan, and financial policies)
- Regional strategies and policies (such as the Auckland Plan and the Local Board Funding Policy)
- Governance of Council-Controlled Organisations
- Appointment of the Chief Executive and maintaining the capacity of Auckland Council to provide its services and facilities
- Transport networks and infrastructure.

Local boards: The statutory role of local boards includes decision-making responsibility for the following:

- Any non-regulatory activities of Auckland Council that are allocated to local boards
- Adoption of local board plans
- Agreement of local board agreements (with the Governing Body) and monitoring the implementation of local board agreements - this can include proposing a local targeted rate
- Providing input into regional strategies, policies and plans

- Proposing bylaws for the local area
- Community engagement, consultation and advocacy.

Local boards are not local authorities but will act as such for specified allocated matters, or those matters set out in the Local Government (Auckland Council) Act 2009.

(b) Delegation of decision-making responsibilities

The Governing Body can also delegate some of its decision-making responsibilities to local boards. To date the Governing Body has delegated the following decision-making responsibilities to local boards:

- Input into notification decisions for resource consent applications
- Authorising the destruction of wandering stock on Great Barrier Island, in accordance with the Impounding Act 1955 is delegated to the Great Barrier Local Board
- Decision-making on operational cemeteries on Great Barrier Island is delegated to the Great Barrier Local Board.
- Amendments to the Policy on Dogs in relation to any dog access rules in local parks, local beaches or local foreshore areas in their local board area
- Making objections to liquor licensing applications under the Sale and Supply of Alcohol Act 2012
- Making, amending or revoking alcohol bans, except in areas of regional significance.
- Certain powers under the Reserve Act 1977 for local reserves: declaring a reserve (s.14(1)), classifying a reserve (s.16(1) or 16(2A)), reclassifying a reserve (24(1)), and proposing the revocation of reserve status (s.24(1)) in order to manage the land under the Local Government Act 2002.

The Governing Body and local boards can also be delegated decision-making responsibilities from Auckland Transport. There are currently no delegations in place.

(c) Allocation of decision-making for non-regulatory activities

The Governing Body is required by legislation to allocate decision-making responsibility for the non-regulatory activities of Auckland Council to either the Governing Body or local boards, in accordance with principles contained in section 17(2) of the Act. This provides as follows:

- a) decision-making responsibility for a non-regulatory activity of the Auckland Council should be exercised by its local boards unless paragraph (b) applies:
- b) decision-making responsibility for a non-regulatory activity of the Auckland Council should be exercised by its Governing Body if the nature of the activity is such that decision-making on an Auckland-wide basis will better promote the well-being of the communities across Auckland because-
 - i. the impact of the decision will extend beyond a single local board area; or
 - ii. effective decision making will require alignment or integration with other decisions that are the responsibility of the Governing Body; or

- iii. the benefits of a consistent or co-ordinated approach across Auckland will outweigh the benefits of reflecting the diverse needs and preferences of the communities within each local board area.

Decision-making for non-regulatory activities can only be allocated to either the Governing Body or to a local board. Where more than one local board has an interest in a local activity then section 16(3) of the Act provides that:

... a local board should collaborate and co-operate with 1 or more other local boards in situations where the interests and preferences of communities within each local board area will be better served by doing so.

The non-regulatory decision-making allocation is required to be identified in the Auckland Council's Long-Term Plan and Annual Plans.

Allocation of decision-making for non-regulatory activities

The allocation of decision-making responsibility to the Governing Body and to local boards for the non-regulatory activities of Auckland Council is set out in the following tables. These will apply from 1 July 2018.

Group of activities	Local Board non-regulatory responsibilities <i>Local boards are allocated decision-making responsibility for the following non-regulatory activities of Auckland Council.</i>	Governing Body non-regulatory responsibilities <i>The Governing Body is allocated decision-making responsibility for the following non-regulatory activities of Auckland Council.</i>
Local council services and Regionally delivered council services	Local governance including: <ul style="list-style-type: none"> • decision-making and oversight of decisions on local activities • development of local policy positions such as determining areas in which activities may take place and local service specifications • submissions to government on legislation where it specifically relates to that local board area only • civic duties, engagements and functions in the local area, including citizenship ceremonies and recognition of volunteers. 	Regional governance including: <ul style="list-style-type: none"> • decision-making and oversight of decision on regional activities • submissions to government on legislation including official submissions of Auckland Council incorporating local board views • regional civic duties, engagements and functions.
<p>Explanatory notes:</p> <ul style="list-style-type: none"> • A local board does not have the power to make submissions or objections on matters where the council is exercising its regulatory responsibilities unless specifically delegated by the Governing Body. • Local boards have a statutory role identifying and communicating the interests and preferences of its communities in relation to policies, plans and bylaws.. 		
<p>Local planning and development including:</p> <ul style="list-style-type: none"> • local place-shaping activities, including local leadership to create a local identity • local strategic visioning, policy making and planning within parameters set by regional strategies, policies and plans <p>Regional planning including:</p> <ul style="list-style-type: none"> • Auckland Plan, area plans, regional spatial priority areas and prioritised development areas focusing on growth development and key infrastructure priorities • regional strategies, policies and plans • Auckland-wide place-shaping activities, including regional leadership to create Auckland's identity. 		
<p><i>Street environment and town centres including:</i></p> <ul style="list-style-type: none"> • maintenance of the local street environment and local centres, within parameters set by the Governing Body • improvements to the local street environment and town centres excluding any improvements that are integral to centres prioritised for growth as set out in the Auckland Plan • naming of roads pursuant to section 319(1)(j) of the Local Government Act 1974. <p><i>Business area planning including:</i></p> <ul style="list-style-type: none"> • local economic development plans, projects and initiatives (including local centre branding and marketing and local business events) within parameters set by regional strategies, policies and plans <p><i>Street environment and town centres including:</i></p> <ul style="list-style-type: none"> • street environment and town centres strategy and policy, including the classification of town centres • centres that are prioritised for growth as set out in the Auckland Plan <p><i>Economic development including:</i></p> <ul style="list-style-type: none"> • regional economic development strategy and policy, such as Auckland economic development strategy, investment framework and BID policy 		

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	<ul style="list-style-type: none"> • Business Improvement District (BID) programmes, including the strategic direction (in partnership with the business association), establishment of new BIDs within the parameters set by the BID policy and recommending BID targeted rates to the Governing Body. 	<ul style="list-style-type: none"> • international relationships, including entering into new relationships and ending existing relationships • Auckland-wide economic development programmes and initiatives, including regional business events, and branding and marketing for the city centre, metropolitan centres and centres prioritised for growth as set out in the Auckland Plan.
<p>Explanatory notes:</p> <ul style="list-style-type: none"> • Area plans will require a high degree of involvement from local boards. • Regional strategies and policies are not intended to be prescriptive or unduly restrict the decision-making role of local boards. Where they relate to local activities, they provide regional parameters within which local boards then make decisions on local activities. • Development of the city centre waterfront is the responsibility of Panuku Development Auckland. • Auckland Transport has significant decision-making responsibilities within the street environment and town centres • A number of agencies will be involved in the delivery of transformation programmes. • Major events, tourism and visitor centres, and business attraction and development are the responsibility of ATEED 		
<p>Local community services including:</p> <p><i>Arts and culture including:</i></p> <ul style="list-style-type: none"> • the specific location, design, build and fit out of new local arts and culture facilities within budget parameters agreed with the Governing Body • the use of local arts and culture facilities, including changes of use. • local arts and culture projects, initiatives and events • local public artwork and local public art programmes • local community funding and grants • tailoring regional arts and culture programmes and events to local needs. 		<p>Regional community services including:</p> <p><i>Arts and culture including:</i></p> <ul style="list-style-type: none"> • any new arts and culture facilities acquired for an Auckland-wide purpose or function • the number and general location of all new arts and cultural facilities and the prioritisation of major upgrades to all existing arts and culture facilities • the use of regional arts and culture facilities. • regional arts and culture strategy and policy • regional arts and culture programmes and events • regional public artwork and regional public art programmes • development, maintenance and access to the regional visual arts collection, including exhibitions and interpretive programmes • region-wide community funding and grants • regional arts and culture programmes, which can be tailored to local needs.
<p><i>Events including:</i></p> <ul style="list-style-type: none"> • attraction, development, delivery and promotion • sub-regional events which are the responsibility of the local board in which the event is located, in collaboration with other affected local boards • local events sponsorship, funding and grants 		<p><i>Events including:</i></p> <ul style="list-style-type: none"> • regional events strategy and policy, including region-wide events plan • coordinating regional events, including attraction, development, delivery and promotion • regional events sponsorship, funding and grants • regional events programmes, which can be tailored to local needs.

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	<ul style="list-style-type: none"> tailoring regional events programmes to local needs. 	
	<p><i>Community development and facilities including:</i></p> <ul style="list-style-type: none"> plans, projects and initiatives specific to the local area tailoring region-wide community development and safety programmes to local needs facilitating community-led placemaking and development initiatives community advisory services local community funding and grants. the specific location, design, build and fit out of new local community facilities within budget parameters agreed with the Governing Body the use of local community facilities, including leasing and changes of use. 	<p><i>Community development and facilities including:</i></p> <ul style="list-style-type: none"> regional community development strategy and policy regional community development and safety programmes which can be tailored to local needs regional community funding and grants. the number and general location of all new community facilities and the prioritisation of major upgrades to all existing community facilities the location design and use of any new community facilities developed for an Auckland-wide purpose social housing, such as housing for the elderly.
	<p><i>Libraries including:</i></p> <ul style="list-style-type: none"> the specific location, design, build and fit out of new local libraries within budget parameters agreed with the Governing Body the design and type of community facilities within local libraries the use of local libraries including local exhibitions, programmes and events within local libraries. 	<p><i>Libraries including:</i></p> <ul style="list-style-type: none"> libraries strategy and policy the number and general location of all new libraries and the prioritisation of major upgrades to existing libraries the libraries' collection policy and practice (including development and maintenance of all library collections) regional exhibitions, programmes and events within libraries the mobile library service the central library, other than the ground and first floors.
	<p><i>Recreation facilities and initiatives including:</i></p> <ul style="list-style-type: none"> the specific location, design, build and fit out of new local recreation and sports facilities within budget parameters agreed with the Governing Body the use of local recreation facilities and initiatives including leasing and changes of use local recreation and sports programmes local community funding and grants tailoring regional recreation and sports programmes to local needs. 	<p><i>Recreation facilities and initiatives including:</i></p> <ul style="list-style-type: none"> any new recreational facilities developed for an Auckland-wide purpose or function the number and general location of all new recreation and sports facilities (including sports stadiums) and the prioritisation of major upgrades to all existing recreation and sports facilities the use of regional recreation and sports facilities (including sports stadiums) coordination of the use of recreation and sports facilities on a regional basis regional recreation and sports strategy and policy regional recreation and sports programmes, which can then be tailored to local needs regional community funding and grants
	<p><i>Parks including:</i></p> <ul style="list-style-type: none"> the specific location of new local parks (including the prioritisation for 	<p><i>Parks including:</i></p> <ul style="list-style-type: none"> any new parks acquired for an Auckland-wide purpose or function

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	<ul style="list-style-type: none"> • acquisition) within budget parameters agreed with the Governing Body • reserve management plans for local parks • local parks improvements and place shaping • the use of and activities within local parks, such as community events and community planting programmes • cemeteries that are no longer in regular active use and are functioning as local parks • naming of local parks. 	<ul style="list-style-type: none"> • regional open space strategy and policy, including open space network plan and volcanic cones strategy • reserve management plans for regional parks • the number and general location of all new parks and the prioritisation of major upgrades to existing parks (including sports fields within parks) • the use of and activities within regional parks • acquisition and divestment of all park land, including the disposal of surplus parks, excluding any disposal and reinvestment made in accordance with the Service Property Optimisation Policy • coordination of the use of all sports fields on a regional basis • Open cemeteries.
	<p><i>Explanatory notes:</i></p> <ul style="list-style-type: none"> • Definitions of local and regional events are set out in schedule 2 in accordance with the Auckland Council Events Policy. • Regional events facilities and amenities are the responsibility of Regional Facilities Auckland (RFA). These include the Viaduct Events Centre, stadium management, The EDGE, Auckland Zoo and the Auckland Art Gallery. Regional sports facilities (including sports stadiums) are generally the responsibility of Regional Facilities Auckland (RFA). • 	
	<p>Local environmental management <i>including:</i></p> <ul style="list-style-type: none"> • local environmental initiatives and projects • facilitating community-led placemaking and development initiatives • local stormwater quality projects • within regional frameworks • local waste management plans and projects within regional parameters set out in the Waste Minimisation and Management Plan 	<p>Waste services and Environmental services <i>including:</i></p> <ul style="list-style-type: none"> • regional environmental, heritage and urban design strategy, policy and guidelines • regional environmental programmes and projects • waste management, including the Waste Minimisation and Management Plan • landfill management • environmental research and monitoring.
Stormwater	<p>Stormwater management limited to:</p> <ul style="list-style-type: none"> • the Te Arai Drainage District, the Okahuhura Drainage Area and the Glorit Drainage District. This allocation of decision-making responsibility is to the Rodney Local Board. 	<p>Stormwater management including:</p> <ul style="list-style-type: none"> • the stormwater network, including catchment management plans.

Relevant to each group of activities/ area	Local board non-regulatory responsibilities	Governing Body non-regulatory responsibilities
<i>Fees and charges</i>	Setting of fees and charges for local activities excluding : <ul style="list-style-type: none"> library collections fees and charges; and any fees and charges for local activities that are set on a region-wide basis by the Governing Body in a regional policy. 	Setting of fees and charges for regional activities and : <ul style="list-style-type: none"> regional fees and charges for local activities that are set by the Governing Body in a regional policy library collections fees and charges.
<i>Service specifications</i>	Setting of service specifications for local activities subject to any minimum service specifications that the Governing Body has decided, for policy reasons, to set on an Auckland-wide basis.	Setting of service specifications for regional activities and minimum service specifications for local activities where the Governing Body decides to do so for policy reasons.
<i>Procurement</i>	Procurement for local activities excluding : <ul style="list-style-type: none"> procurement of major service delivery contracts (such as maintenance, security and cleaning contracts) for Auckland-wide local assets and facilities on a coordinated basis. 	Procurement for regional activities and <ul style="list-style-type: none"> procurement of major service delivery contracts (such as maintenance, security and cleaning contracts) for Auckland-wide local assets and facilities on a coordinated basis the procurement policy for Auckland Council.
<p><i>Explanatory notes:</i></p> <ul style="list-style-type: none"> There are significant efficiencies to be gained by the Governing Body procuring some contracts on a larger scale or a coordinated basis. This is likely to cover areas like parks and facilities maintenance, security and cleaning, which involve local and regional assets and facilities across Auckland. (The guidelines for procuring these types of contracts will be contained in the procurement manual. Procurement for most local activities will though, remain a local board decision-making responsibility). Local boards will set the service specifications as they relate to their local area as set out in the allocation above. 		
<i>Asset renewal</i>	Maintaining service capacity and integrity of local assets throughout their useful life in accordance with Auckland-wide parameters and standards set by the Governing Body.	Maintaining the service capacity and integrity of regional assets throughout their useful life and setting Auckland-wide parameters and standards for all asset management planning.
<p><i>Explanatory notes:</i></p> <ul style="list-style-type: none"> The local board's asset renewal decision-making responsibility is within the framework and standards set by the Governing Body to ensure regional consistency 		
<i>Asset acquisition and disposal</i>	Disposal of local service property and reinvestment of sale proceeds in accordance with the Service Property Optimisation policy (as adopted by the Governing Body).	All other acquisition and disposal decisions.
<i>Other activities of Auckland Council</i>		All other non-regulatory activities of Auckland Council

Schedule 1- Governance of parks

1. The Governing Body has governance responsibility for the following regional parks and contiguous land.

Regional Parks		
Auckland Council has classified the following as regional parks:		
Ambury Atiu Creek Auckland Botanic Gardens Awhitu Duder Glenfern Sanctuary Hunua Ranges Long Bay Mahurangi Muriwai (excluding Muriwai Village Green) Mutukaroa / Hamlins Hill Omāna Pakiri Te Motu a Hiaroa / Puketutu Scandrett	Shakespear Tapapakanga Tawharanui Tawhitokino Te Ārai Te Muri Te Rau Pūriri Waharau Waitākere Ranges Waitawa Wenderholm Whakanewha Whakatiwai	
Land contiguous with Regional Parks		
Relevant Regional Park	Land to be amalgamated into adjacent Regional Park	
Long Bay	Piripiri Park	Section 1 SO 70452
Mahurangi	Scott Point Reserve, Te Kapa Peninsula (subject to continued 24 hour public access)	Lot 15 DP 44711
		Sec 216 Mahurangi Village SO 43441
		Lot 14 DP 11711
Muriwai	Oaia Reserve, Muriwai	Lot 11 DP 58521
Te Arai	Te Ārai Reserve (subject to continued 24 hour public access)	Lot 1 DP 66227
		Lot 1 DP 59556
Waitākere Ranges	Mārama Plantation Reserve, Little Huia	Lot 12 DP 27798
	Douglas Scenic Reserve	Lot 31 DP 77453
	Rāroa Park	Lot 100 DP 21358
	Parkland surrounding Waitākere Quarry Scenic Reserve	Lot 2 DP 193044
	Karekare Reserve	Lot 31 DP 40109
	Lone Kauri Road – 3 reserves	Lot 99 DP 42402
		Lot 106 DP 42402
		Lot 107 DP 42402
South Piha Plantation Reserve	Lot 77 DP 31268	
Lake Wainamu Scenic Reserve	Section 3 Block 1/Waitakere SD/	

Regional Parks		
	Tasman View Esplanade	Lot 90 DP 42223
	Lake Wainamu Walkway	Pt Waitakere 1A (Easement over lake edge only)
	Waitoru Reserve, Bethells Rd	Pt Allotment 5 PSH OF Waitakere

2. The Maunga Authority has governance decision-making responsibility for the following maunga.

Parks under the administration of the Maunga Authority
<p>Matukutūruru / Wiri Historic Reserve Maungakiekie / One Tree Hill Maungarei / Mt Wellington Maungauika (North Head) (subject to agreement regarding the council's role) Maungawhau / Mt Eden Ōhinerau / Mt Hobson Ōhuiarangi / Pigeon Mountain Ōtāhuhu / Mt Richmond Ōwairaka / Te Ahi-kā-a-Rakataura / Mount Albert Puketāpapa / Pukewīwī / Mount Roskill Takarunga / Mount Victoria Te Kōpuke / Tītīkōpuke / Mount St John Te Pane-o-Mataaho / Te Ara Pueru / Māngere Mountain Te Tātua a Riukiuta / Big King</p>
<p>Note: ownership of Maungakiekie / One Tree Hill Northern land remains with the Crown and it is administered by the Tupuna Maunga Authority under the Nga Mana Whenua o Tamaki Makaurau Collective Redress Act 2014 and the Reserves Act 1977.</p>

3. Post settlement governance entities have governance responsibility for the following reserves.

Park name	Governance entity	Relevant legislation
Kaipātiki (formerly Parakai Recreation Reserve)	Te Poari o Kaipātiki ki Kaipara (formerly Parakai Recreation Reserves Board)	Ngāti Whātua o Kaipara Claims Settlement Act 2013
Whenua Rangatira and Pourewa Creek Recreation Reserve	Ngāti Whātua o Orākei Reserves Board	Ngāti Whātua Ōrākei Claims Settlement Act 2012

4. The Governing Body has responsibility for the majority of land contiguous to Tupuna Maunga governed by the Maunga Authority. The Ngā Mana Whenua o Tāmaki Makaurau Redress Act 2014 provides for the transfer of administration by the Council of these lands to the Maunga Authority at the discretion of the Governing Body.

Land contiguous with parks subject to Treaty of Waitangi settlement	
Park subject to Treaty of Waitangi Settlement	Contiguous council owned land allocated to the Governing Body
Maungawhau / Mt Eden	Lot 1 DP 131932

Land contiguous with parks subject to Treaty of Waitangi settlement	
Maungarei / Mt Wellington	Lot 200 DP 436081
Ōhinerau / Mt Hobson	Pt Allotment 2 SECT 11 SBRS OF Auckland
Ōhūiarangi / Pigeon Mountain	Lot 182 DP 98841
	Lot 183 DP 98841
	Section 1 SO 434440
	Section 2 SO 434440
	Section 3 SO 434440
	Allotment 19 SECT 5 SM FMS NEAR Howick
Land contiguous with parks subject to Treaty of Waitangi settlement	
Ōtāhuhu / Mt Richmond	Lot 1 DP 47429
	Lot 2 DP 47429
	Lot 3 DP 47429
	Lot 4 DP 47429
	Lot 5 DP 47429
	Lot 6 DP 47429
	Lot 7 DP 47429
	Lot 8 DP 47429
	Pt Lot 10 DP 47429
Ōwairaka / Te Ahi-kā-a-Rakataura / Mount Albert	Lot 29A DP 17682
	Lot 19 DP 58177
	Lot 59 DP 16603
Te Kōpuke / Tītīkōpuke / Mount St John	Lot 1 DP 334602
	Lot 2 DP 413830
	Lot 13 DP 20564
	Lot 2 DP 35331
Te Tātua a Riukiuta / Big King	Lot 4 DP 44196
	Lot 3 DP 44196
	Lot 5 DP 108794
	Lot 4 DP 21107
	Lot 5 DP 108794
	Lot 1 DP 108794
	Pt Allotment 80 SECT 10 SBRS of Auckland

5. Auckland Domain

Decision making allocation for Auckland Domain is geographically split, with the Waitemata Local Board being allocated responsibility for the playing fields areas and two community recreational leases (Auckland Bowling Club and Parnell Tennis Club), and the balance of land within Auckland Domain being allocated to the Governing Body. The Waitematā Local Board and the Governing Body have delegated decision making to the Auckland Domain Committee, a joint governance committee of the Waitematā Local Board and Governing Body.

6. Motukorea / Browns Island

The Governing Body has governance responsibility for Motukorea / Browns Island.

Schedule 2 - Auckland Council Events Policy categories

The Events Policy identifies three categories of events, local, regional and major.

Local events - An event is considered to be a local activity governed by local boards unless it meets the criteria for a regional or major event as defined in this policy.

Regional and major events - An event must demonstrate the strategic outcomes, appeal, profile and economies of scale to be categorised a regional or major event as defined in the table below. It will have most, if not necessarily all, of the distinguishing characteristics below.

Event Category	Strategic Outcomes	Appeal – breadth and depth of the event	Profile	Regional Coordination
Regional	<ul style="list-style-type: none"> delivers regional objectives set by the Governing Body helps deliver on Auckland-wide strategies such as for sport and recreation, arts and culture offers a distinctive event proposition for the region. 	<ul style="list-style-type: none"> demonstrates it draws from a regionally-distributed audience e.g. appeals to a specific demographic or interest group that is geographically dispersed across the region demonstrates a size and scale that is regionally significant. 	<ul style="list-style-type: none"> has region-wide and maybe national profile, demonstrated through media and wide public awareness. 	<ul style="list-style-type: none"> demonstrates clear benefits of decisions being coordinated at a region-wide level only if the nature of the event is such that decision-making on an Auckland-wide basis will better promote community well-being across Auckland e.g. delivered in multiple locations across the region, ensuring regional distribution , ability to attract sponsorship, region-wide marketing and promotion.
Major	<ul style="list-style-type: none"> delivers economic development outcomes delivers significant economic return on investment provides measureable economic benefits such as significant increase in visitor nights. 	<ul style="list-style-type: none"> appeals to regional, national and international audiences and participants a large mass appeal social event that is distinctive to Auckland. 	<ul style="list-style-type: none"> has regional, national and international profile. 	