



Tauākī Kāwanatanga ā-rohe

Local Governance Statement

March 2023, Version 1.0



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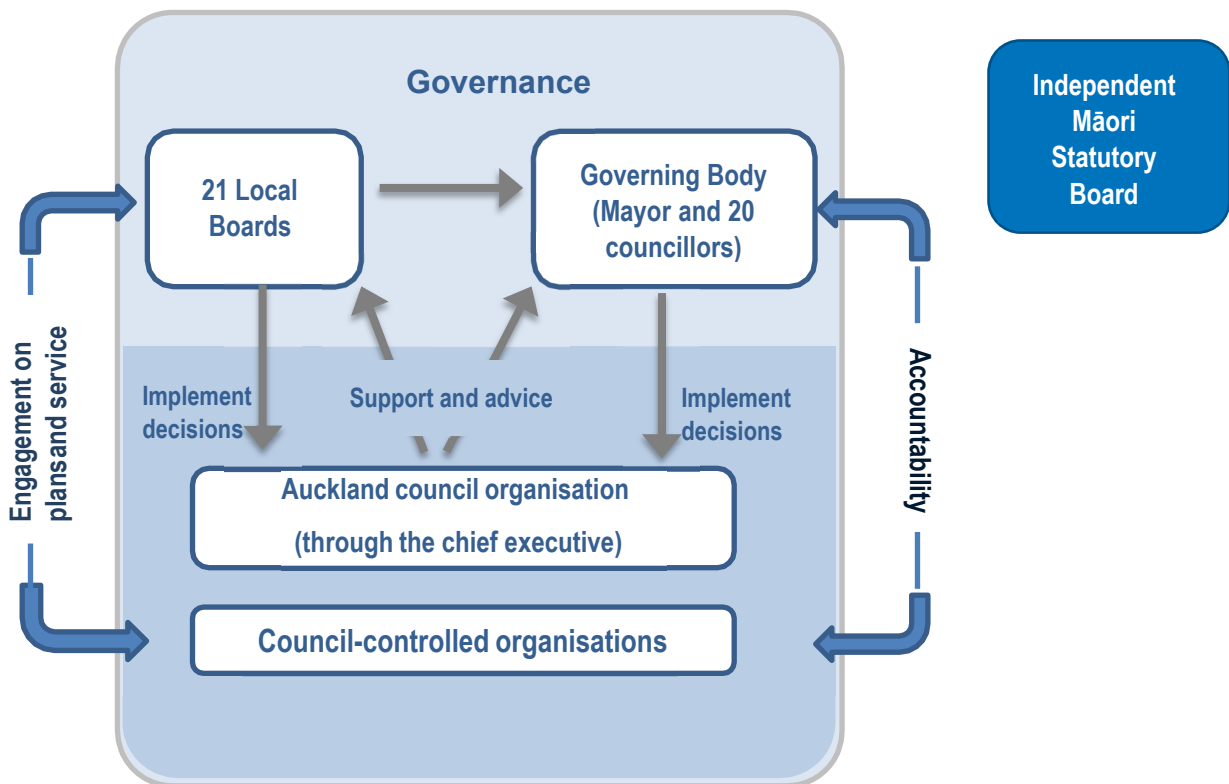
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Introduction

Auckland Council at a glance

The Auckland Council comprises the governing body, local boards, the staff organisation and council-controlled organisations. It was established by the Local Government (Auckland Council) Act 2009, which also created the Independent Māori Statutory Board as a board that is independent of the council.



What this document contains

Section 40 of the Local Government Act 2002 requires the following for local governance statements:

A local authority must prepare and make publicly available, following the triennial general election of members, a local governance statement that includes information on—

- the functions, responsibilities, and activities of the local authority; and
- any local legislation that confers powers on the local authority; and

- the bylaws of the local authority, including for each bylaw, its title, a general description of it, when it was made, and, if applicable, the date of its last review under section 158 or 159; and
- the electoral system and the opportunity to change it; and
- representation arrangements, including the option of establishing Māori wards or constituencies, and the opportunity to change them; and
- members' roles and conduct (with specific reference to the applicable statutory requirements and code of conduct); and
- governance structures and processes, membership, and delegations; and
- meeting processes (with specific reference to the applicable provisions of the Local Government Official Information and Meetings Act 1987 and standing orders); and
- consultation policies; and
- policies for liaising with, and memoranda or agreements with, Māori; and
- the management structure and the relationship between management and elected members; and
- the remuneration and employment policy, if adopted; and
- equal employment opportunities policy; and
- key approved planning and policy documents and the process for their development and review; and
- systems for public access to it and its elected members; and
- processes for requests for official information.

The Local Government (Auckland Council) Act 2009 also requires the local governance statement to include a description and explanation of the Auckland Council's two-tier governance structure, and how the decision-making responsibilities of the Auckland Council are shared between the governing body and the local boards¹

This document sets out the information required in a way which will be helpful to readers.

He Puka Matarau, The Governance Manual

The Auckland Council's Governance Manual is an online, searchable guide to how the Auckland Council makes decisions. It outlines the council's structures, relevant laws and conventions:

<https://governance.aucklandcouncil.govt.nz/>

¹ Local Government (Auckland Council) Act 2009 section 7(2)

Council news

Information about current Auckland news and events is provided on OurAuckland². OurAuckland shares information on the latest improvements to local neighbourhoods and opportunities for Aucklanders to have their say about local activities.

What the council does

Functions of Auckland Council

A local authority has a broad range of functions under various Acts of Parliament. The key functions of Auckland Council are set out below under each Act that establishes them:

Local Government Act 2002

The Local Government Act 2002 establishes local authorities. It provides that their role is to give effect to the purpose of local government and to perform the duties, and exercise the rights, conferred on local authorities by or under the Local Government Act 2002 and any other enactment.

The purpose of local government is to:

- Enable democratic local decision-making and action by, and on behalf of, communities; and
- Promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.

A local authority has all the powers necessary to fulfil its role.

The Act sets out:

- governance arrangements (including the employment of the chief executive)
- planning and reporting requirements (including the long-term plan and annual report)
- decision-making obligations (including the obligation to consult)
- the ability to create council-controlled organisations
- specific rules around water and waste services and disposal of parks
- the power to require development contributions
- the power to make and enforce bylaws.

² <https://ourauckland.aucklandcouncil.govt.nz/>

Local Government Act 1974

- Creation, control and maintenance of local roads, footpaths, cycle-tracks, pedestrian malls, busshelters (provided through Auckland Transport).
- Naming local roads.
- Providing land drainage.

Local Government (Auckland Council) Act 2009

The purpose of the Local Government (Auckland Council) Act 2009 is to:

- a) establish the Auckland Council as a unitary authority for Auckland
- b) set out the matters in relation to the council's structure and functions, duties, and powers that differ from the general provisions applying to local authorities under the Local Government Act 2002 and certain other enactments
- c) provide the mechanism to adopt and monitor local board plans and local board agreements, and to adopt a local board funding policy to share funding between local boards
- d) establish Council Controlled Organisation arrangements for the management of transport and water supply and wastewater services for Auckland
- e) require the Auckland Council to adopt a spatial plan for Auckland (now called the Auckland Plan)
- f) establish arrangements to promote issues of significance for mana whenua groups and mataawaka for Tamaki Makaurau (including working with the Independent Māori Statutory Board)
- g) set out requirements relating to substantive council-controlled organisations.

Land Transport Act 1998

- Controlling the use of roads, including through bylaws, for example restrictions on parking, heavy traffic (provided primarily through Auckland Transport).

Land Transport Management Act 2003

- Planning and funding of a land transport system in Auckland, including through the making of a regional land transport plan (this function sits with Auckland Transport).

Reserves Act 1977

- Managing and controlling reserves.

Resource Management Act 1991

- Managing natural and physical resources sustainably through setting objectives, policies and rules that manage environmental effects of activities, and which are incorporated into district and regional plans.

Building Act 2004

- Undertaking the role of a building consent authority with responsibility of ensuring compliance with the building code.

Dog Control Act 1996

- Making policy, and making and enforcing bylaws relating to the control of dogs, such as prohibiting dogs in public places or requiring dogs to be on leashes.
- Classifying dogs as dangerous or menacing.
- Undertaking dog registration.

Health Act 1956

- Making and enforcing bylaws for the protection of public health.
- Inspecting insanitary premises.

Food Act 2014

- Registering food premises.

Sale and Supply of Alcohol Act 2012

- Adopting a local alcohol policy in relation to location of licensed premises and maximum trading hours.
- Appointing District Licensing Committees, which determine applications for licences and manager's certificates.

Gambling Act 2003

- Adopting a policy in relation to class 4 venues.
- Deciding applications to increase machines in a class 4 venue.

Biosecurity Act 1993

- Managing plant and animal pests, including through making regional pest management plans.

Prostitution Reform Act 2003

- Making bylaws relating to signage and location of brothels.

Waste Minimisation Act 2008

- Promoting effective and efficient waste management and minimisation
- Adopting and implementing a waste management and minimisation plan.

Civil Defence Emergency Management Act 2002

- Planning and providing for civil defence emergency management within the Auckland region.

Other legislation

Local Authorities are affected by other legislation as well. Appendix “A” contains a comprehensive list of legislation that affects Auckland Council.

Appendix “B” contains a list of local legislation that has arisen through legacy councils which confers powers on Auckland Council. Local legislation comprises Acts of Parliament that have come about through a bill promoted by a local authority. A local Act affects a particular locality only.

Activities

In order to perform its functions, the council undertakes many different activities. Information is provided about these activities in council’s plans and reports, such as the long-term plan, annual plan and annual report. These documents can be found on the council’s website³.

The activities of the council fall under the following broad headings⁴:

Roads and footpaths

- Roads and footpaths.

Public transport and travel demand management

- Parking and enforcement
- Public transport and travel demand management.

Water

- Water supply
- Wastewater
- Stormwater.

³ <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/Pages/default.aspx>

⁴ From “Auckland Council 10-year Budget 2021 – 2031”, Vol 2, page 147

Local council services

- Local community services
- Local environmental management
- Local governance
- Local planning and development.

Regionally delivered council services

- Auckland Emergency Management
- Investment
- Environmental services
- Regional community services
- Regional governance
- Regional planning
- Waste services
- Third party amenity grants
- Organisational support
- Regulatory services.

Council controlled services

- Development Auckland
- Economic growth and visitor economy
- Regional facilities.

Governance structure, membership and delegations

Local government in New Zealand

There are two tiers of local government in New Zealand –territorial authorities (district and city councils) and regional councils. Territorial authorities are responsible for districts and cities, whereas regional councils are responsible for larger areas (regions) comprising a number of territorial authorities. They largely have separate functions though these may overlap (for example, land use planning). Territorial authorities have a separately elected mayor, regional councils elect a chairperson from among their members.

A unitary authority is a territorial authority which also has the responsibilities, duties and powers of a regional council. NZ has eight unitary authorities. The Auckland Council is a unitary authority.

What is the governance structure of Auckland Council?

Section 1, “Introduction”, provides a diagram showing the various components of Auckland Council - the governing body, local boards, council-controlled organisations, the Independent Māori Statutory Board and the staff organisation. The governing body and local boards provide the governance of Auckland Council.

A typical council has a single governing body, comprising a mayor and councillors, which is democratically accountable for decision-making⁵. The Local Government Act 2002, section 41, states:

- “(2) *A territorial authority must have a governing body consisting of members and a mayor elected in accordance with the Local Electoral Act 2001.*
- (3) *A governing body of a local authority is responsible and democratically accountable for the decision-making of the local authority.”*

The legislation setting up Auckland Council states⁶:

“Despite section 41 of the Local Government Act 2002, for the purposes of carrying out its functions, responsibilities, and duties and exercising its powers as a territorial authority and a regional council, —

- (a) *the Auckland Council has a two-tier governance structure comprising the governing body and the local boards; and*
- (b) *the decision-making responsibilities of the Auckland Council are shared between*

⁵ Local Government Act 2002 sections 39 to 48 and Schedule 7 contain the governance arrangements

⁶ Local Government (Auckland Council) Act 2009 section 7

the governing body and the local boards in accordance with sections 14 to 23 of this Act.”

The governance of Auckland Council, therefore, consists of:

- a governing body, comprising the mayor and 20 elected members, having regional and regulatory responsibilities
- 21 local boards, who each elect their chairperson from among their members, having local responsibilities.

This section looks at how decision-making is undertaken by the governing body and by local boards and includes information about their committees and their delegations of powers to committees and to staff. Separate sections give information about:

- council-controlled organisations (Section 12)
- the Independent Māori Statutory Board (Section 7.2)
- the management structure (Section 13).

Decision-making shared between governing body and local boards

The governing body and local boards obtain their decision-making responsibilities from three sources:

- statutory responsibilities identified in Local Government (Auckland Council) Act 2009;
- allocations in accordance with principles contained in section 17(2) of the same act; and
- delegations. The Governing Body can delegate some decision making to local boards and Auckland Transport can delegate some decision-making to either the Governing Body or local boards.

Local boards are responsible for all decisions on non-regulatory activities, unless

- the impact of the decision will extend beyond a single local board area; or
- effective decision-making will require alignment or integration with other decisions that are the responsibility of the governing body; or
- 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.

See Appendix C for further information on local board responsibilities.

The governing body is responsible for:

- allocating decision-making for non-regulatory activities to local boards and to itself
- decision-making in regard to those non-regulatory activities it has allocated to itself

- decision-making in regard to regulatory matters
- decision-making in regard to transport networks and infrastructure
- decision-making relating to the council’s capacity to provide services and facilities
- governance of council-controlled organisations
- financial management of the council
- the agreement reached with each local board in respect of local activities for local board areas.

Allocation of decision-making responsibility for non-regulatory activities

Allocation of non-regulatory activities implements the shared decision-making for local and regional non-regulatory decisions. The governing body is responsible for allocating the decision-making of non-regulatory activities between itself and local boards.

The allocation table sets out the decision-making responsibilities of the governing body and local boards over non-regulatory activities of the council. It is required to be included in the council’s long-term plans and annual plans. The current allocation table is contained in the Decision-making Responsibilities of Auckland Councils Governing Body and local boards policy (Appendix C).

The governing body and each local board is separately democratically accountable for decision-making within their respective areas of responsibility.

Delegations

Overview

A council is permitted by statute to delegate some of its powers to others, including to committees and staff. A council may delegate to external persons or organisations some of its regulatory responsibilities, such as enforcement, inspection and licensing under bylaws.⁷

In the Auckland context, the governing body is also able to delegate to local boards. The effect of delegation is that a local board remains accountable to the governing body for the performance of the delegation (as compared to being democratically accountable for the performance of an allocated activity). The governing body has delegated to local boards some of its regulatory responsibilities because it cannot “allocate” regulatory activities as part of the shared decision-making structure.

⁷ Local Government Act 2002 schedule 7, clause 32

Auckland Transport may delegate decision-making and responsibilities to the governing body and local boards. There are currently no delegations in place.

Delegations made by the governing body

To committees

The governing body has delegated many of its responsibilities to committees made up of elected and, in some cases, appointed members. The full Terms of Reference for Committees document can be found on the council's website:

<https://www.aucklandcouncil.govt.nz/about-auckland-council/how-auckland-council-works/governing-body-wards-committees/Pages/about-the-governing-body.aspx>

To local boards

Standing delegations to local boards from the Governing Body are recorded in the Decision-making Responsibilities of Auckland Councils Governing Body and local boards' policy (Appendix C).

To staff

The governing body has delegated operational responsibilities to staff. It does this by delegating in the first instance to the chief executive who then subdelegates to appropriate staff. Where legislation does not allow such sub-delegation (such as the Resource Management Act) the governing body delegates those responsibilities directly to staff. The governing body is responsible for the broad strategic view, and it approves the annual budget. Staff have the role of implementing the decisions of the governing body⁸ and have been delegated appropriate powers. These powers include the ability to decide financial expenditure provided this is within budgets approved by the governing body.

To external persons or agencies

Examples of delegations to external persons or agencies:

- hearing and deciding resource consent applications by independent hearing commissioners
- enforcement of dog and noise control by private companies.

⁸ Local Government Act 2002 section 42 (2)

Delegations made by local boards

To staff

For efficiency reasons, local boards have made a general delegation to the chief executive subject to a list of terms and conditions that staff are required to abide by when exercising delegated authority. The terms and conditions agreed by all 21 local boards' when giving this delegation to the chief executive in 2012 are similar with some minor variations. These are referred to as the Local Boards' Delegation Protocols.

The Local Boards' Delegation Protocols are included in the chief executive's sub-delegations to staff as staff are required to abide by them when exercising authority derived from local boards.

The general delegation from local boards to staff enables and empowers staff to carry out many operational functions. However, each local board is still democratically accountable for its allocated activities and can amend the terms of its general delegation to staff or call in any decision at any time.

Decision-making with Māori

The Local Government Act 2002 requires all councils to provide opportunities for Māori to contribute to decision-making⁹. A number of statutes that affect local government require councils to take Treaty of Waitangi principles into account when decision-making.

The Local Government (Auckland Council) Act 2009 establishes an independent Māori board (known as the Independent Māori Statutory Board or IMSB). The Act requires the board to appointment two persons to council committees that deal with the management and stewardship of natural physical resources. The council may invite the board to make appointments to other committees¹⁰.

Legislation that puts into effect Treaty settlements, sometimes creates co-governance bodies. These have council and iwi representation. Existing co-governance bodies are:

- Ngāti Whatua Orakei Reserves Board
- Te Poari o Kaipātiki ki Kaipara (officially the Parakai Recreation Reserve Board)
- Tūpuna Maunga o Tāmaki Makaurau Authority (“Maunga Authority”)

The Auckland Council also engages with mana whenua through bespoke entities and informal committees that hold various co-management powers over specific sites of significance to Māori. Such groups work by agreement between the Auckland Council and the relevant mana whenua. For example, the Auckland Council appoints members to

⁹ Local Government Act 2002, section 81

¹⁰ Local Government (Auckland Council) Act 2009, section 85

Te Motu a Hiaroa (Puketutu Island) Management Trust and the Mutukaroa Trust and the Papakura Local Board works alongside mana whenua within the Pukekiwiriki Pā Joint Management Committee.

See “Relationships with Māori” for information on the council’s relationships with Māori.

See “Representation Arrangements” for information on establishing one or more Māori wards.

Governing body and its committees

Members

The members of the governing body are contained in Appendix D.

Committee structure and delegations to committees

The Mayor of Auckland has the power to establish committees and appoint the committee chairs¹¹. The detailed Terms of Reference for committees can be found on council’s website¹². The following section provides a summary of the governing body and its committees. Membership of committees is in Appendix E.

Governing body

The governing body oversees the implementation of the Auckland Plan, sets the direction for major strategic priorities/projects and ensures that this is reflected in the work programmes of the committees.

Legally the governing body cannot delegate¹³:

- making a rate
- making a bylaw
- borrowing money or purchasing or disposing of assets unless it is in accordance with the long-term plan
- adopting a long-term plan, annual plan, or annual report
- appointing a chief executive
- adopting policies required to be adopted and consulted on in association with the Long-Term Plan or developed for the purpose of the local governance statement
- adopting a remuneration and employment policy.

¹¹ Local Government (Auckland Council) Act 2009, section 9(3)(c) and (d)

¹² <https://www.aucklandcouncil.govt.nz/about-auckland-council/how-auckland-council-works/governing-body-wards-committees/Pages/about-the-governing-body.aspx>

¹³ Local Government Act 2002, schedule 7, clause 32

The governing body also retains to itself:

- financial decisions required outside of the annual budgeting processes
- key decisions and direction related to Three Waters
- monitoring the financial management and performance of Auckland Council and the Auckland Council Group
- Auckland Plan 2050 (vision)
- allocation of decision-making responsibility for non-regulatory activities between governing body and local boards
- approval of long-term plan or annual plan consultation documents, supporting information and consultation process prior to consultation
- approval of a draft bylaw prior to consultation
- approving the financial policy of council
- resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of electoral officer
- adoption of, and amendment to, the Committee Terms of Reference, Standing Orders and Code of Conduct
- relationships with the Independent Māori Statutory Board, including the funding agreement and appointments to committees
- overview of and decisions relating to any CCO review including the implementation of any resulting changes to CCOs
- approve acquisition and disposal of council property which is not in accordance with the LTP.

Local boards

Overview

Local boards have a significant and wide-ranging role; they make decisions on local matters, provide local leadership and enable strong local communities. Local boards have a strong connection to their communities and play an important role in shaping the place that they have been elected to serve.

There are three ways that legislation gives decision-making responsibilities to local boards:

- directly by legislation
- by allocation from the governing body, in the case of non-regulatory activities
- by delegation from the governing body (in the case of regulatory activities) or Auckland Transport (in the case of transport activities).

Local boards are responsible for:

- decisions on non-regulatory local activities as allocated by the governing body through the long-term plan or annual plan process, for which local boards are fully autonomous and accountable to their communities
- adopting local board plans every three years in consultation with their communities and monitoring progress
- negotiating annual local board agreements with the governing body and monitoring local board agreements
- developing and monitoring annual work programmes
- identifying community preferences and priorities, representing their communities and building strong local communities
- engaging with their communities
- identifying and communicating the interests and preferences of local people on the content of regional strategies, policies, plans and bylaws to the governing body
- providing input to CCO plans and initiatives
- identifying and developing bylaws for the local board area and proposing them to the governing body
- collaborating with other local boards if their communities will be better served by doing so
- undertaking any additional responsibilities delegated by the governing body or Auckland Transport
- the agreement reached with the governing body in respect of local activities for local board areas.

Local boards are accountable to the community for their allocated and statutory decision-making. Their decisions are open for scrutiny throughout the term by the media, commentators and the public. The media play a major part in forming the community's view of members' performance and the local board's performance as a whole.

Members

The local boards and their members are detailed in Appendix F

Local board committees

Some local boards have established committees. These are listed in Appendix G.

Local boards can form joint committees when collaborating on common issues with other local boards. The Manukau Harbour Forum is an example of a joint local board committee. The committee was set up by all local boards bordering the Manukau Harbour to jointly advocate for the protection of the Manukau Harbour.

Representatives of local boards are also invited to sit on the Joint Governance Working Party set up by the Governing Body to discuss and make recommendations on shared governance issues.

Electoral system and the opportunity to change it

Local authority elections

The Local Electoral Act 2001 sets out the law for electing the members of local authorities. Elections must be held every three years. Election day is on the second Saturday in October. The members to be elected are:

- Mayor of Auckland
- 20 members (councillors) of the governing body
- members of 21 local boards

The election of licensing trust members takes place at the same time.

What is an “electoral system”?

An “electoral system” describes the system used for voting at local authority elections. The Local Electoral Act 2001 provides two types of electoral systems:

- First Past the Post (FPP)¹⁴
- Single Transferable Voting (STV)¹⁵

First Past the Post

Under this system, each voter may cast one vote per vacant position. For example, if there are four vacant positions to fill, a voter may cast up to four votes but no more than one vote per position.

Those candidates with the most votes are elected. Auckland Council has used the FPP system to date.

Single Transferable Voting (STV)

Under this system a voter ranks as few or as many candidates as they like. The voter only has one vote, but it is used according to the voter’s preferences.

Under STV, a voter may express a first preference, a second preference, and so on. All voters’ first preferences are counted and any candidate whose votes exceed an amount called the “quota” is elected. If all positions are not filled, the surplus proportion of votes

¹⁴ Local Electoral Act 2001 section 5A

¹⁵ Local Electoral Act 2001 s 5B; www.stv.govt.nz

for successful candidates are redistributed among the other candidates according to voters' preferences. If the positions are not filled by redistributing the surplus proportion of votes, the candidate with the fewest votes is excluded and that candidate's second preferences votes are also distributed among the remaining candidates according to voters' preferences. This process of redistributing votes continues until all positions are filled.

For a single-member vacancy, such as a mayoralty, an absolute majority is calculated instead of a quota. If no candidate is successful at achieving an absolute majority by counting first preferences, the candidate with the fewest votes is excluded and those votes redistributed according to voters' preferences. This process of excluding the candidate with the fewest votes continues until a candidate achieves an absolute majority.

Changing the electoral system

The electoral system to be used at the 2025 elections may be changed:

- by a resolution of the council prior to 12 September 2023¹⁶
- by at least 5% of the electors of Auckland demanding a poll on whether there should be a change of electoral system. Such a demand must be received by the council by 21 February 2024. The poll must be held no later than 21 May 2024¹⁷
- by the council deciding to hold a poll on whether there should be a change of electoral system. Such a resolution must be made by 21 February 2024. The poll must be held no later than 21 May 2024.¹⁸

If a demand for a poll occurs after these dates, the outcome would apply to the 2028 and 2031 elections and the poll could be held in conjunction with the 2025 elections.

¹⁶ Local Electoral Act s 27

¹⁷ Local Electoral Act s 29, 30, 32, 33

¹⁸ Local Electoral Act s 31, 32, 33

Representation arrangements

What are representation arrangements?

Representation arrangements relate to the way that governing body members (councillors) and local board members are elected, and include:

- how many members there are (number of councillors in the governing body and number of board members in each local board)
- whether the election of councillors is on a ward basis (or, for a local board, whether election of board members is on a subdivision basis)
- if there are wards or subdivisions, what the boundaries are and how many members there are in each
- the names of local boards¹⁹
- whether there are Māori wards.

The legislation that established the Auckland Council required the Local Government Commission²⁰ to decide Auckland Council's representation arrangements for the 2010 election within parameters set by the legislation.²¹

Some aspects of Auckland Council's representation arrangements (such as the boundaries of Auckland Council and the boundaries and number of local boards) can only be reviewed through a local government re-organisation process, rather than the statutory processes relating to the review of representation arrangements.

Auckland Council wards

Because of the variance in population, the number of councillors representing the people within each ward varies to ensure fair representation. The ratio of population per councillor needs to be similar across the whole Auckland area (within a margin of 10% unless there are special circumstances).

Wards were established considering:

- a sense of identity with, and belonging to, a community or communities
- the geographical area of the services provided for in a community
- the representation of community interests and achieving a fair ratio of elected representatives to population
- a legislative requirement to provide for single member wards in the rural areas of Rodney and Franklin (now repealed).

¹⁹ Local Government (Auckland council) Act 2009, s 103

²⁰ www.lgc.govt.nz

²¹ The full determination of the Local Government Commission can be found on its website: www.lgc.govt.nz

Local board areas

The legislation required the Local Government Commission to:

- establish local boards for Waiheke and Great Barrier Island and to ensure that, so far as is practicable, the boundaries of local boards, and any subdivision of those areas, provide effective representation of communities of interest
- ensure that, so far as is practicable, the boundaries of wards and local board areas coincide.

The Local Government Commission determined that in order to support effective decision-making on local services, local board areas needed to:

- be an appropriate size
- have sufficient resource-generating capacity
- relate to local service delivery.

Review of representation arrangements

What can be reviewed

Auckland Council is required to conduct representation reviews at least once every six years²². Any review must be conducted in accordance with the timeframes set out in legislation. The council's first review related to the 2019 elections. The council is required to conduct a review for the 2025 elections.

Representation arrangements that must be reviewed include:

- whether councillors are elected on a ward (i.e., division of the district) basis, or for the district as a whole
- if applicable, the name and boundaries of each ward and the number of councillors to be elected in each ward
- whether local board members are elected on a subdivision (i.e., division of the local board area) basis or for the local board area as a whole, and the number of members in each local board (between five and twelve)
- if applicable, the name and boundaries of local board subdivisions, and the number of members to be elected in each subdivision
- the names of local boards.

The number of councillors for the Auckland Council governing body is fixed in legislation at 20, however there is a bill²³ proceeding through Parliament which will remove this restriction.

²² Local Electoral Act 2001 s 19H; Local Government (Auckland council) Act 2009 s 103

²³ Local Government Electoral Legislation Bill

Election at large or by wards and subdivisions

It is possible for some members to be elected on an at-large basis and others on a ward (governing body members) or subdivision (local board members) basis.

Election ‘at-large’ means that members are elected from the whole area (whether the whole Auckland region or whole local board area) and not on a ward or subdivision basis. This can encourage the member to act in the interests of the area as a whole.

Election on a ward basis (or subdivision basis for local boards) ensures there is an even spread of members, preventing a majority of members being elected from the same area.

Requirements for effective and fair representation²⁴

Effective representation

When conducting representation reviews (except in relation to the naming of local boards), the council must ensure that the manner in which councillors and local board members are elected will provide “effective representation of communities of interest within the district”.

The Local Government Commission Representation Review Guidelines provide further detail.

Fair representation

When looking at representation arrangements, the council must ensure that electors of any wards or local board subdivisions receive fair representation.

This relates to the population of each ward and subdivision compared to the number of elected representatives for each ward and subdivision. The ratio should be no more than 10% greater or smaller than the average.

The council may propose a scheme that does not comply with the ratio required for fair representation in certain circumstances, including where:

- non-compliance is needed to ensure effective representation of communities of interest within island or isolated communities
- compliance could limit effective representation of communities of interest within the district.

Representation arrangements review for 2025

Auckland Council is required to conduct a review of its representation arrangements for the 2025 elections. This process will commence in latter half of 2023 and continue through 2024.

²⁴ Local Electoral Act 2001 s 19T, 19V

The council publicly notify its initial proposals around August in 2024 for public submissions.

Māori representation

Once enacted, the Local Government Electoral Legislation Bill currently proceeding through Parliament will require each council to pass a resolution by 20 December 2023 on whether it will have Māori representation. If the council resolves to have Māori representation, then it must provide for a Māori ward, or wards, in its review of representation arrangements. If it resolves to not have Māori representation, then it must not provide for a Māori ward in its review of representation arrangements.

A Māori ward is similar to a Parliamentary Māori electorate in that it provides for members on the council's governing body to be elected from one or more Māori wards in proportion to Māori Electoral Population. Only those on the Māori electoral roll can elect members representing Māori wards. Only those on the general roll can elect members representing general wards.

Reorganisation proposals

Whereas representation arrangements describe the number of members, wards and subdivisions within existing boundaries of local authorities, a local government reorganisation proposal considers changes to the number of local authorities and their boundaries. A reorganisation proposal may deal with any or all of the following matters:

- the union of districts or regions
- the constitution of a new district or region, including a new local authority for it
- the abolition of a district or region, including the local authority
- the alteration of the boundaries of any district or region
- the transfer of a statutory obligation from one local authority to another
- a proposal that a territorial authority assume the power of a regional council
- the establishment or abolition of a local board area
- the alteration of the boundaries of a local board area
- the union of two or more local board areas.

Local government reorganisation applications are made to the Local Government Commission. There is a prescribed process for how the commission must consider applications.

In the application stage, the commission first makes a decision whether to assess the application, before considering the affected area and whether there is demonstrable community support for reorganisation. Alternative applications are called for and considered alongside the original application and the existing arrangements, before the

commission determines and notifies its preferred option. If the current arrangements are the preferred option, the process for that application ends.

If the preferred option is something other than the current arrangements, the application progresses to the proposal stage. At this stage, the commission prepares and consults on a draft proposal before deciding whether or not to issue a final proposal, or to issue a new draft proposal (which is then consulted on again). Final proposals are publicly notified including notice to affected electors that they have the right by petition to demand a poll, in which electors will vote on the final proposal.

If a poll is held and more than 50% of valid votes oppose the final proposal, the reorganisation proposal will not proceed. If more than 50% of valid votes support the proposal (or if no poll is called for) the final proposal will be confirmed by way of Order in Council, a transition agency set up, and a reorganisation scheme prepared.

Further information on the process can be found on the website of the Local Government Commission:

<http://www.lgc.govt.nz/the-reorganisation-process/>

The Local Government Electoral Legislation Bill which is proceeding through Parliament will provide specifically for the reorganisation of local board areas.

Roles and conduct of elected members

Role of elected members

Mayor of Auckland

The mayor is the only member who is elected from across the whole region. The mayor provides an overall leadership role and chairs the meetings of the governing body.

Under section 9 of the Local Government (Auckland Council) Act 2009, the mayor's responsibilities are:

- to articulate and promote a vision for Auckland
- to provide leadership for the achievement of that vision.

The role of the mayor includes:

- leading the development of council plans (including the long-term plan and the annual plan), policies, and budgets for consideration by the governing body
- ensuring there is effective engagement between the Auckland Council and the people of Auckland, including those too young to vote.

To undertake these roles, the mayor has the following powers:

- establish processes and mechanisms for the Auckland Council to engage with the people of Auckland, whether generally or particularly (for example, the people of a cultural, ethnic, geographic, or other community of interest)
- appoint the deputy mayor
- establish committees of the governing body
- establish and maintain an appropriately staffed office of the mayor
- appoint the chairperson of each committee of the governing body; for that purpose, the mayor:
 - may make the appointment before the other members of the committee are determined
 - may appoint him or herself.

The mayor is a member of each committee of the governing body.

Deputy mayor

The deputy mayor is appointed by the mayor. The deputy mayor exercises the same roles as other governing body elected members. In addition, if the mayor is absent or incapacitated, or if the office of mayor is vacant, then the deputy mayor must perform all the responsibilities and duties and may exercise the powers of the mayor.

Committee chairs

The mayor may create one or more committees of the governing body and appoint the chairperson of each committee. A committee chairperson presides over all meetings of the committee, ensuring the proper conduct of the meeting under the governing body's meeting standing orders and that the committee acts within the powers delegated by the governing body as set out in the council's Terms of Reference for Committees. A committee chairperson may be called on to act as an official spokesperson on a particular issue relevant to that committee.

Committee deputy chairs

The deputy chair is either appointed by the mayor or elected by the members of the committee of the governing body (if the mayor does not appoint a deputy chair). The deputy chair exercises the same roles as other elected representatives. In addition, if the chair is absent or incapacitated, or if the office of chair is vacant, then the deputy chair must perform all of the responsibilities and duties and may exercise the powers of the chair.

Local board chair

The local board chair is elected by members of the local board. The chair undertakes a civic leadership role in the local board area and ensures the proper conduct of meetings under the local board's standing orders, acts as the spokesperson for the board and is civic head for local events.

Local board deputy chair

The deputy chair is elected by the members of the local board. The deputy chair exercises the same roles as other local board elected members. In addition, if the chair is absent or incapacitated, or if the office of chair is vacant, then the deputy chair must perform all of the responsibilities and duties, and may exercise the powers of the chair. The chair and deputy chair collectively form the leadership team for the local board.

Role of the chief executive

The chief executive is appointed by the governing body in accordance with section 42 and clauses 33 and 34 of Schedule 7 of the LGA 2002. The chief executive implements and manages the council's policies and objectives within the budgetary constraints established by the council.

The responsibilities of the chief executive are:

- implementing the decisions of the Auckland Council
- providing advice to the governing body and local boards

- ensuring that all responsibilities, duties and powers delegated to the chief executive or to any person employed by the chief executive, or imposed or conferred by any Act, regulation or bylaw are properly performed or exercised
- managing the activities of the council effectively and efficiently
- facilitating and fostering representative and substantial elector participation in elections and polls held under the Local Electoral Act 2001
- maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the council
- providing leadership for the staff of the council
- employing staff (including negotiation of the terms of employment for the staff).

The governing body agrees objectives with, and monitors performance of, the chief executive, through the Performance and Appointments Committee. This committee recommends the terms and conditions of employment (including remuneration) to the governing body.

Code of conduct

Legislation requires all elected members to adhere to a code of conduct adopted by the governing body.²⁵ Once adopted, a code may only be amended by a vote of the governing body, with at least a 75 percent majority.

The code sets out the council's understanding and expectations of how the mayor, councillors and local board members relate to one another, to staff, to the media and to the general public in the course of their duties. It also covers disclosure of information that is received by, or is in the possession of, elected representatives. It contains details of the sanctions that the council may impose if an individual breaches the code.

The current version of the full code of conduct can be found on the council's website:

<https://www.aucklandcouncil.govt.nz/about-auckland-council/how-auckland-council-works/elected-members-remuneration-declarations-interest/Pages/elected-members-code-conduct.aspx>

What it contains

The Code of Conduct sets out two key principles:

- The principle of 'Trust' which is an ethical principle
- The principle of 'Respect' which is a relationship principle.

It defines material breaches and provides a process for dealing with complaints.

²⁵ Local Government Act 2002 schedule 7, cl 15; Local Government (Auckland Council) Act 2009, s30

Attachments to the Code of Conduct

The following are attached to the Code of Conduct, since they are relevant to the council's understandings and expectations of conduct:

- Conflict of interest policy
- Confidential information – policy and protocol
- Working with staff
- Election year policy
- Communications policy
- Media protocols
- Social media guidelines
- Governance roles and responsibilities
- Expenses policy
- Legislation relevant to the conduct of members.

Conflicts of interest

All elected members are required to maintain a clear separation between their personal interests and their duties as a governing body member, member of a committee/subcommittee, or of a local board or local board committee, in accordance with the provisions identified in the Local Authorities (Members' Interests) Act 1968.

Elected members are required to complete a declaration of interest statement listing:

- company directorships and controlling interests
- interests (such as shares and bonds) in companies and business entities
- any employment
- beneficial interests in trusts
- membership of community organizations, e.g., clubs, environmental protection organisations, churches or charitable bodies
- appointments (except those made by the council) e.g., to a University council or Government agency
- interests in land, whether as owner or tenant
- debtors
- creditors
- travel costs paid by third parties
- gifts received (including hospitality) over \$500
- discharged debts over \$300 paid for by other parties.

Elected members also complete a Related Party Transactions declaration that is reported in the annual report.

Declarations of interests are on the Council's website:

<https://www.aucklandcouncil.govt.nz/about-auckland-council/how-auckland-council-works/elected-members-remuneration-declarations-interest/Pages/default.aspx>

Disputes between local boards and the governing body

For Auckland Council, the sharing of decision-making responsibilities between the governing body and local boards may result in disputes between them. Section 97 of the Local Government (Auckland Council) Act 2009 has allowed for this possibility. If one or more local boards is dissatisfied with a decision of the governing body regarding the allocation of non-regulatory activities under section 17(1) of the Local Government (Auckland Council) Act 2009, they must make reasonable efforts to reach a mutually acceptable and timely resolution of the dispute. In doing so they must have regard to the requirements of the Local Government (Auckland Council) Act 2009 and the current and future well-being of the communities of Auckland and the interests and preferences of the communities within each affected local board area.

If the dispute remains unresolved, the board or boards may apply in writing to the Local Government Commission for a binding determination on the matter.

Relationships with Māori

Mana whenua and mataawaka

Mana whenua are Māori with ancestral relationships in certain areas in Tāmaki Makaurau where they exercise customary authority.²⁶

Mataawaka are Māori living in the Auckland region whose ancestral links lie outside of Tāmaki Makaurau.

The Auckland Council recognises 19 mana whenua groups within Tāmaki Makaurau:

- Ngāi Tai ki Tāmaki
- Ngāti Manuhiri
- Ngāti Maru
- Ngāti Paoa
- Ngāti Rehua
- Ngāti Tamaoho
- Ngāti Tamaterā
- Ngāti Te Ata Waiohua
- Ngāti Wai
- Ngāti Whanaunga
- Ngāti Whātua Ngā Rima o Kaipara
- Ngāti Whātua Ōrākei
- Patukirikiri
- Waikato-Tainui
- Te Ākitai
- Te Ahiwaru
- Te Kawerau a Maki
- Te Rūnanga o Ngāti Whātua
- Te Uri o Hau.

²⁶ As defined in section 4 Local Government (Auckland Council) Act 2009

Independent Māori Statutory Board

Purpose

The Local Government (Auckland Council) Act 2009 establishes a board whose purpose is to assist the Auckland Council to make decisions, perform functions, and exercise powers by—

- (a) *promoting cultural, economic, environmental, and social issues of significance for—*
 - (i) *mana whenua groups; and*
 - (ii) *mataawaka of Tāmaki Makaurau; and*
- (b) *ensuring that the council acts in accordance with statutory provisions referring to the Treaty of Waitangi.*²⁷

Status

The board is a body corporate and is separate and independent of the Auckland Council²⁸. It has chosen the name Independent Māori Statutory Board (IMSB).

Members

The board members have a three-year term and are appointed by a selection panel. The current members are:

Mana whenua representatives

- David Taipari (chairman)
- Edward Ashby
- Pongarauhine Renata
- James Brown

Mataawaka representatives

- Hon Tau Henare (Deputy Chairman)
- Tony Kake

Functions

The board's general functions are to²⁹:

- act in accordance with its purpose

²⁷ Local Government (Auckland council) Act 2009, section 81

²⁸ Local Government (Auckland council) Act 2009, section 82

²⁹ Local Government (Auckland Council) Act 2009, section 84

- develop a schedule of issues of significance to mana whenua groups and mataawaka
- advise the Auckland Council on matters affecting mana whenua groups and mataawaka of Tāmaki Makaurau
- work with the Auckland Council on the design and execution of documents and processes to implement the council's statutory responsibilities towards mana whenua groups and mataawaka of Tāmaki Makaurau.

The board and the council are required to meet at least four times each financial year to discuss the board's and council's performance of their duties.³⁰

Appointments to council committees

The legislation requires the board to appoint a maximum of two members to each council committee that deals with the management and stewardship of natural and physical resources³¹. The council may also invite the board to make appointments to other committees.

Key programmes

Schedule of issues of significance

Legislation requires the IMSB to develop a schedule of Issues of Significance for mana whenua and mataawaka³². The IMSB has completed this. It reflects issues for Māori in the jurisdictional boundary of the Auckland Council.

The document can be viewed at:

<https://www.imsb.maori.nz/what-we-do/issues-of-significance/>

The Māori Plan

The plan takes a snapshot of the Cultural, Social, Economic and Environmental wellbeing of Māori communities. The Māori Plan is a 30-year plan based on Māori values and outcomes and includes the activity or action-based plans in each of the four wellbeing domains, derived from the aspirations of Tāmaki Makaurau Māori.

The document forms part of the Schedule of Issues of Significance.

Long Term Plan 2018 – 2021 Business Cases

The IMSB Business Cases move the Māori Plan into action and signal to the council where it should focus to deliver on its strategy for Māori. The 2017 IMSB Business Cases document has been prepared to align with the Council's planning cycle and input into

³⁰ Local Government (Auckland Council) Act 2009, section 84(2) & 88(3)

³¹ Local Government (Auckland Council) Act 2009, section 85(1)

³² Local Government (Auckland Council) Act 2009, section 84(1)(b)

the Long-Term Plan. The indicative Business Cases are prepared at a high level to enable the next steps that are expected to include consultation and detailed business cases.

To view the 2017 IMSB Business Cases document, see:

<https://www.imsb.maori.nz/what-we-do/long-term-plan-2018-2021-business-cases/>

Kāinga Strategic Action Plan

The purpose of the Kāinga Strategic Action Plan is to improve housing outcomes for Māori in Tāmaki Makaurau. The Plan was developed as a result of a call to action at the Auckland Māori Housing Summit 2018.

The Plan promotes Te Tiriti and the underlying principle of Kāinga; targeting Iwi, community and whānau outcomes. It proposes actions based on stakeholders' existing roles and responsibilities.

The document can be viewed at:

<https://www.imsb.maori.nz/what-we-do/kainga-strategic-action-plan/>

Treaty of Waitangi Audit

Every three years the IMSB conducts an audit to assess the Auckland Council group's performance in acting in accordance with statutory references to Te Tiriti o Waitangi and statutory responsibilities to Māori in Tāmaki Makaurau. The first audit was published in 2012 with assistance from auditors PwC (PricewaterhouseCoopers). The second audit was carried out in 2014/15 and covered progress and key initiatives put in place by the Auckland Council in response to the first audit.

The third audit was undertaken by PwC in early 2018 to assess the Auckland Council group's performance in acting in accordance with statutory references to Te Tiriti o Waitangi and its statutory responsibilities to Māori in Tāmaki Makaurau. The 2018 Audit also follows-up on previous audit recommendations and seeks to identify opportunities for improvement.

The fourth audit He Waka Kōtuia - Te Tiriti o Waitangi was undertaken by PwC for the Board in early 2021 and sought to assess how the Council group's practices achieve Treaty relationship objectives, the effectiveness of its policies and processes, as they have been implemented, in delivering the desired outcomes for Māori.

The documents can be viewed at:

<https://www.imsb.maori.nz/what-we-do/te-tiriti-o-waitangi-audit/>

Co-governance entities

There are three statutory co-governance entities, as well as some non-governance entities, that govern land across Tāmaki Makaurau. A description of the three statutory

bodies is provided below. These entities are independent of Auckland Council. Half of the members of each governance entity is appointed by Auckland Council although the statutory requirement for this differs in each case.

Ngāti Whātua Ōrākei Reserves Board

The Ngāti Whātua Ōrākei Reserves Board is established under the Ngāti Whātua Ōrākei Claims Settlement Act 2012. It is set up as a part of the return of land to Ngāti Whātua on the basis that the reserve land referred to as the Whenua Rangatira is for the common use and benefit of Ngāti Whātua and the citizens of Auckland.

The Board has the powers of an administering body and a local authority under the Reserves Act 1977.

It consists of three members appointed by Ngāti Whātua and three members appointed by the Auckland Council. Costs are required to be met by Auckland Council.

Te Poari o Kaipātiki ki Kaipara

The Te Poari o Kaipātiki ki Kaipara (officially the Parakai Recreation Reserve Board) is established under the Ngāti Whātua o Kaipara Claims Settlement Act 2013, following the signing of a deed of settlement.

Te Poari o Kaipātiki ki Kaipara (Te Poari) governs Kaipātiki, an area of parkland previously known as Paraki Domain. Kaipātiki provides access to Te Awa Kahawai, the Parakai geothermal field, and is located in the small township of Parakai in the South Kaipara region.

Te Poari aims to manage Kaipātiki in a way that harnesses the healing qualities of the geothermal spring and reflects Ngāti Whātua o Kaipara and local community values.

Te Poari has the powers of an administering body and a local authority under the Reserves Act 1977. It consists of three members appointed by Ngā Maunga Whakahii o Kaipara Development Trust and three members appointed by the Auckland Council

Tūpuna Maunga o Tāmaki Makaurau Authority

The Tūpuna Maunga o Tāmaki Makaurau Authority (or Maunga Authority) is established under the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014

A Deed of Settlement was signed on 8 September 2012, between the Crown and a collective (known as the Tāmaki Collective) representing the iwi of Tāmaki Makaurau. The Act implements the Deed. The Deed recognises the rights of the iwi in regard to maunga (mountains), motu (islands) and other land.

The Tāmaki Collective represents:

- 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 Tuperiri.

The Maunga Authority membership consists of six members appointed by iwi, six members appointed by the Auckland Council and one non-voting member appointed by the Minister for Arts, Culture and Heritage.

The Maunga Authority has the powers of an administering body and local authority under the Reserves Act 1977 and has responsibility for:

- Māngere Mountain/ Te Pane o Mataaho
- Matukutūruru / Wiri Mountain
- Maungakiekie / One Tree Hill
- Maungarei / Mount Wellington
- Maungawhau / Mount Eden
- Maungauika / North Head
- Ōwairaka / Te Ahi-kā-a-Rakataura / Mount Albert
- Ōhinerau / Mount Hobson
- Ōhūiarangi / Pigeon Mountain
- Ōtāhuhu / Mount Richmond
- Pukewīwī / Puketāpapa / Mount Roskill
- Te Kōpuke / Tītīkōpuke / Mount St John
- Takarunga / Mount Victoria
- Te Tātua a Riukiuta / Big King.

Relationship agreements

Relationship agreements with Tāmaki Makaurau iwi are being developed. Relationship agreements support elements of the Auckland Plan 2050 long-term vision to “enable Māori aspirations through recognition of Te Tiriti o Waitangi / The Treaty of Waitangi and customary rights” through formal acknowledgement of the mutual interests of council and mana whenua. They are a means of documenting each party’s intention to work together respectfully and positively, and the development of the agreement itself may assist in mutual understanding.

The Governing Body and eight local boards have signed relationship agreements with five manawhenua, set out in the table below:

Mana whenua	Local Board agreement	Mayor/Governing Body agreement
Te Uri o Hau	Rodney	Yes
Ngāti Tamaoho	Papakura Manurewa	Yes
	Ōtara-Papatoetoe	Yes
	Māngere-Ōtāhuhu	Yes
	Puketāpapa	Yes
Ngāti Manuhiri	Upper Harbour	Yes
Ngāti Pāoa	Maungakiekie - Tāmaki	N/A
Waikato-Tainui	N/A	Yes

Kia Ora Tāmaki Makaurau – Our Māori Outcomes Performance Measurement Framework

To respond more effectively to the needs and aspirations of mana whenua entities and Māori Communities, the Auckland Council Group developed [Kia Ora Tāmaki Makaurau](#), a Māori outcomes performance measurement framework.

It is an evolution of the council's previous Māori Responsiveness Framework, strengthening a shift from focusing on Māori responsiveness within the council group to delivering outcomes for Māori in Tāmaki Makaurau.

The framework – which was developed with mana whenua entities and Māori Communities – aims to reflect te ao Māori, be informed by mātauranga Māori (Māori knowledge) and be Māori centric.

Māori impact statements in council decision-making reports

Reports for the governing body, local boards and their committees must include a Māori impact statement. Opportunities and impacts for Māori should be considered at the beginning of the decision-making process. The Māori Impact Statement reflects these considerations so that decision-makers can take into account any potential opportunities for and impacts on Māori in their decision-making. Māori impact statements should address:

- whether the issue relates to Māori outcomes and wellbeing and, if so, the statement should explain the situation and actions underway or the intended and expected outcomes
- whether the issue requires communication or engagement with Māori and, if so, who was involved, what they said and the result
- whether the issue relates to Māori wellbeing and, if so, the statement should explain the situation and the actions underway or intended and the expected outcomes
- whether the issue provides or has the potential to contribute to the development of Māori capacity and, if so, the statement should explain the situation and the actions underway or intended and the expected outcomes
- whether the matter has benefits or adverse effects for Māori.

Cultural Value Assessments

Under the Resource Management Act 1991, Auckland Council is responsible for promoting the sustainable management of its natural and physical resources.

When considering an application for resource consent, the council needs to recognise and provide for the relationship of Māori, their culture and traditions, with their ancestral lands, water, sites, wāhi tapu (sacred areas) and other taonga (treasures).³³

A Cultural Value Assessment may be a report or other correspondence (such as email) prepared by mana whenua (or nominee) that documents their cultural values, interests and associations with an area and/or natural resource. This report helps identify the relationship of mana whenua with that specific area and/or natural resource.

The report outlines the potential effects from the proposed activity on those values and offers solutions or ways to mitigate address those impacts.

Cultural Value Assessments are required in some circumstances with regard to:

³³ Resource Management Act 1991, section 6 and section 104

- discharges to air, land or water
- diverting, taking, using or damming water
- reclaiming or disturbing a river bed or the Coastal Marine Area
- extracting minerals
- removing mangroves
- disturbing land or clearing vegetation in a Significant Ecological Area (SEA)
- works close to sites or places of significance or value to mana whenua.³⁴

Auckland Plan

The Auckland Plan 2050³⁵, the Auckland Council's document which sets out its long-term vision, devotes a chapter to Auckland's Māori identity and wellbeing. A focus on Māori outcomes is woven across the Auckland Plan, but it also establishes four Māori-specific directions:

- advance Māori wellbeing
- promote Māori success, innovation and enterprise
- recognise and provide for te Tiriti o Waitangi outcomes
- showcase Auckland's Māori identity and vibrant Māori culture

³⁴ Current guidance is being updated and reviewed for Auckland Council around Cultural Value Assessments

³⁵ <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/Pages/auckland-plan.aspx>

Meeting processes

This section describes how formal meetings are held and how the public can attend and take part. The Governing Body and local boards have adopted Standing Orders which provide rules for the conduct of meetings.

Giving notice to members

Ordinary meetings

For ordinary meetings, at least 14 days' notice of the time and place of the meeting must be given to the members of the meeting or given in accordance with an adopted meeting schedule. Notification of a schedule is notification of all meetings in the schedule.

Extraordinary meetings

Extraordinary meetings (meaning meetings for which notice as required for ordinary meetings cannot be given) can be called with three working days' notice.

Emergency meetings

Emergency meetings (meaning meetings for which notice as required for extraordinary meetings cannot be given) can be called by the mayor, chairperson or chief executive by whatever means is reasonable in the circumstances at least 24 hours before the time appointed for the meeting.

Giving notice to the public³⁶

Ordinary meetings

Public notice of all scheduled meetings in a month must be given at least 5 days and not more than 14 days prior to the end of the preceding month.

Alternatively, if a meeting is to be held after the 21st of the month, it can be notified not more than 10 working days nor less than 5 working days prior to the meeting.

Extraordinary meetings

Extraordinary meetings must be publicly notified as soon as practicable before the meeting is held. If this cannot be done, such a meeting must be notified as is reasonable

³⁶ The Local Government Official Information and Meetings Act 1987 (LGOIMA) s 46

in the circumstances. The general nature of business to be conducted at the meeting must be included in the notice.

Emergency meetings

As with extraordinary meetings, emergency meetings must be publicly notified as soon as practicable before the meeting is held. If this cannot be done, such a meeting must be notified as is reasonable in the circumstances. The general nature of business to be conducted at the meeting must be included in the notice

Where to view public notices

The Auckland Council places public notices in the NZ Herald. Information about the schedule of meetings is also placed in the council's website.

If a meeting is notified and later cancelled, a cancellation notice will also be placed.

Public access to agendas and minutes

Agendas³⁷

Agendas for ordinary meetings are required to be publically available at least two working days prior to a meeting.

An agenda for an extraordinary meeting, called by a resolution of the council, will be made available to the public as soon as is reasonable in the circumstances.

An agenda is the list of items to be discussed at the meeting. Auckland Council combines the list of items with staff reports for that meeting into the one document.

Any member of the public may inspect any open agenda and associated reports circulated to members. Members of the public may take notes or request a copy of the agenda or report. The chief executive may exclude reports or items from reports that are expected to be discussed in the meeting with the public excluded. These are indicated on each agenda.

Minutes³⁸

The public are entitled to view the minutes of a meeting at the council office.

A request for the minutes of a part of a meeting from which the public were excluded is treated as a request for official information. The minutes can only be withheld if there are relevant grounds in the Local Government Official Information and Meetings Act 1987.

³⁷ LGOIMA s 46A

³⁸ LGOIMA s 51

Where to view agendas and minutes

Although it is possible to access agendas and minutes through public libraries, members of the public are encouraged to use the council's website³⁹. The website is a comprehensive repository of all formal political meetings. It includes copies of any presentations that are made at meetings.

Public attendance at meetings

Right to attend⁴⁰

The Local Government Official Information and Meetings Act 1987 (LGOIMA) requires meetings to be open to the public. The principle is that whenever the council exercises functions and powers given to it by Parliament under legislation this should be transparent and open to the public to observe.

The public has a right to attend the meeting but does not have an automatic right to participate in the meeting. Public rights to speak at meetings are discussed further at 8.5.

LGOIMA applies to any formal meeting of the governing body, or local board, or any committee which exercises a responsibility given through legislation.

A meeting at which no resolutions are passed is not a meeting that is subject to the requirement to be open to the public. This means that elected members are able to take part in workshops or briefing sessions and to have any other informal type of meeting without being required to provide for public attendance – provided no resolutions (decisions) are made.

Ability to exclude the public⁴¹

The Local Government Official Information and Meetings Act 1987 gives councils the ability to exclude the public from parts of meetings when certain conditions apply. These conditions include that it is likely that conducting the meeting in public would lead to disclosure of information where there is good reason to withhold that information, or that the information is protected by legislation, or a decision is subject to appeal. A resolution to exclude the public must be passed which includes the legal reasons for excluding the public.

If members of the public are in the room when a resolution to exclude the public is passed, the chair will ask the public to leave the room for the duration of the item.

³⁹ <https://infocouncil.aucklandcouncil.govt.nz/>

⁴⁰ LGOIMA s 47

⁴¹ LGOIMA s 48

It is the practice of the council, once an item has been decided with the public excluded, to pass a resolution stating whether the report and decision can be restated in the public minutes.

Maintaining order⁴²

If a member of the public disrupts a meeting and will not obey the instructions of the chairperson to leave the meeting, the Local Government Official Information and Meetings Act 1987 allows the council to remove that person.

When the public can speak to a meeting

Standing orders

Although legislation does not require councils to allow members of the public to address meetings, many councils, including the Auckland Council, make provision in their standing orders for this.

Public Input at meetings of the governing body and its committees

A period of up to 30 minutes in total at each meeting, or such longer time as the governing body and any of its committees may determine, is set aside for public input at the commencement of meetings that are open to the public. The printed agenda indicates this as “Public Input”.

Each speaker during the public input section of a meeting may speak for five minutes. This may be extended by resolution of the meeting if necessary.

Public Input is typically used to speak about:

- a matter that is on the meeting agenda
- something that an organisation is doing in order to inform councillors
- an issue that is a concern
- a petition.

Public Input cannot be used to speak about:

- decisions that have already made (Public Input is not an appeal provision)
- matters for which there is a separate public hearing process (fairness dictates that all submitters use the same process)
- matters which are being dealt with through a quasi-judicial process (which requires a set process that is fair to all parties)

⁴² LGOIMA s 50

- matters outside the responsibilities of the meeting or the Auckland Council.

Process for requesting to speak at a meeting

An application setting out the subject matter is made to the Democracy Adviser for the meeting no later than two working days prior to the meeting, who will pass the application on to the meeting chairperson for approval. The contact details of the Democracy Adviser can be found on the agenda cover for the meeting. The chair of the meeting has discretion over accepting applications.

Public Forums at meetings of local boards

A period of up to 30 minutes, or such other time as the local board or any of its committees may determine, will be set aside for a public forum at the commencement of meetings which are open to the public. Each speaker during the public forum section of a meeting may speak for three minutes.

Deputations and presentations may also be made to the local board.

Other ways of addressing meetings

A member of the public can participate in the democratic process by making a written submission when submissions are called and speaking to the submission at a hearing. Submissions are invited on draft documents for:

- Unitary Plan
- Annual Plan and Long-term Plan
- Bylaws
- Other key policies and plans
- reserve management plans
- applications for consent and proposals for plan changes under the Resource Management Act.

See the council's website for a comprehensive list of plans, policies and strategies. Most of council's consultation is listed on the council's "Have your say" portion of its website:

<https://www.aucklandcouncil.govt.nz/have-your-say/Pages/home.aspx>

Presenters names recorded in minutes

As a public record, the minutes of meetings will record the names of submitters and presenters.

Standing orders

The members of a meeting must follow standing orders (a set of procedures for conducting meetings). The governing body and each local board adopt its own standing orders and can amend them by a vote of 75 percent of the members present. A meeting may suspend standing orders by a vote of 75 percent of the members present.

Examples of rules contained in standing orders:

- speaking time of members during a debate
- motions and amendments
- notices of motion by members
- voting
- Public Input.

Governing body standing orders

Governing body standing orders can be viewed on the Auckland Council website:

<https://www.aucklandcouncil.govt.nz/about-auckland-council/how-auckland-council-works/governing-body-wards-committees/Documents/standing-orders-governing-body.pdf>

Local board standing orders

Each local board has adopted a set of standing orders. Local board standing orders can be viewed on the Auckland Council website:

<https://www.aucklandcouncil.govt.nz/about-auckland-council/how-auckland-council-works/meetings-council-bodies/Pages/speak-local-board-meeting.aspx>

Voting

All voting must be open⁴³. The Standing Orders provide for three ways of determining a vote:

- on the voices
- show of hands
- by division (each member's name is called in turn and the member responds by voting for or against the motion).

Only when voting is called by division will the votes of individual members be recorded in the minutes, though the standing orders allow a member to request that a dissenting vote or abstention is recorded.

⁴³ Local Government Act 2002, schedule 7, clause 24

The Standing Orders allow chairpersons to have casting votes (an additional vote which is only used to break a tie).

Revoking previous decisions

A previous decision can only be revoked:

- at the same meeting as a result of new information
- at a subsequent meeting by way of a report from the chief executive or chairperson
- at a subsequent meeting by way of a notice of motion by a member, with the signatures of at least one third of the meeting.

Agendas and minutes

Agendas

Issues that need to be brought to the attention of members are contained in reports from council staff that are collated into agendas.

The chairperson of a meeting may also bring an issue to the attention of a meeting by way of a report.

A member of a meeting can give notice of a motion the member intends to move at a meeting. The notice of motion is included in the published agenda.

The requirements for public notice of meetings and public availability of agendas means that a meeting cannot deal with a matter that is not on the published agenda unless the process in the Local Government Official Information and Meetings Act 1987 is followed. This involves the chairperson explaining to the meeting why the matter was not on the published agenda and why it cannot be deferred to a subsequent meeting. The meeting must pass a resolution approving the additional item.

Agendas of all formal meetings are available on the council's website.

Minutes

Minutes are evidence of the proceedings of a meeting once they are authenticated by being formally confirmed at a following meeting⁴⁴.

The minutes of Auckland Council meetings record the members present and absent, members arrival and departure times, apologies, declarations of conflicts of interest, movers and seconders of motions and amendments, resolutions passed and names of presenters. They are not a verbatim record of discussion.

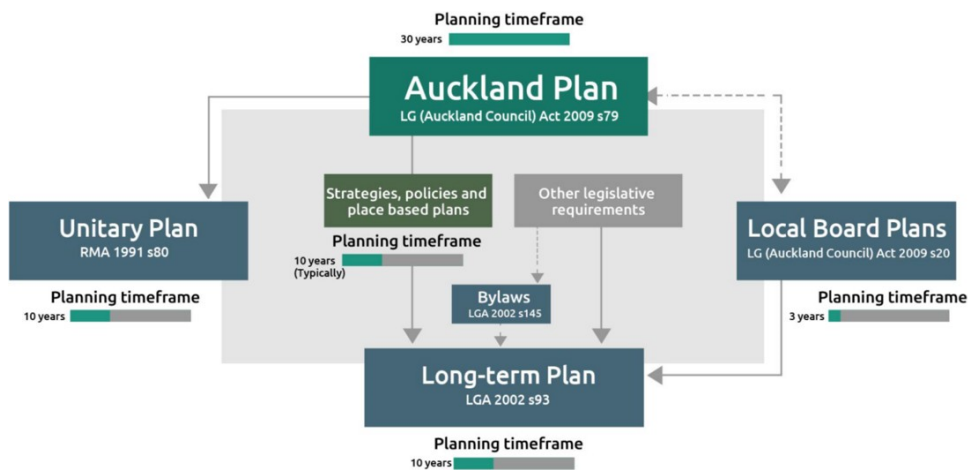
⁴⁴ Local Government Act 2002, schedule 7, clause 28

Key planning and policy documents

What are the key planning documents?

There are a number of plans and policies that make up Auckland Council’s strategic framework. Some have a statutory basis, while others are developed to help achieve the council’s vision. Each has a specific role and objective.

The following diagram shows the linkages between the key statutory plans and policies.



Governing body

Auckland Plan 2050

The Auckland Plan 2050 was adopted in June 2018 and sets a long term 30-year vision for Auckland and its communities that integrates Auckland’s social, economic, environmental and cultural objectives. The Development Strategy and six outcomes set Auckland’s strategy to 2050:



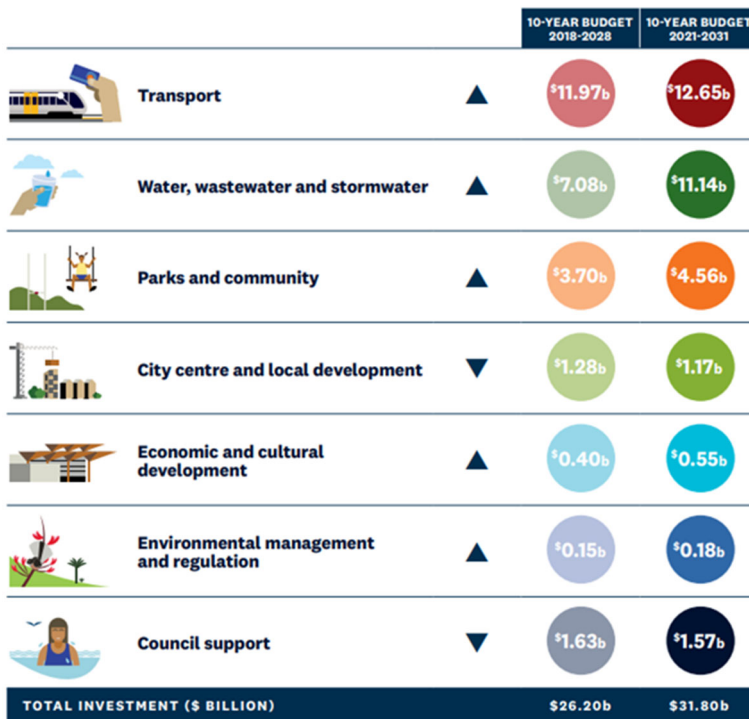
The plan is a plan for all of Auckland, and to be successful, needs a collaborative approach with central government and many other stakeholders, including the private sector and the community at large.

The plan is required by the legislation which established Auckland Council (the Local Government (Auckland Council) Act 2009). Amendments to the plan require use of the special consultative procedure in accordance with the Local Government Act 2002. Council must involve key stakeholders, as defined by the legislation, in any amendments to the plan.

Long-term Plan

A long-term plan⁴⁵ is prepared every three years and sets out the council's projects and budget for 10 years. This funding provides for Auckland Council's implementation of the Auckland Plan 2050 and plans for transport, water infrastructure, housing, parks, community venues, the environment, and improved outcomes for Māori.

The long-term plan sets out revenue and expenditure of the activities of council in each of the groups of activities that comprise the council's service delivery. The diagram below sets out key areas of spend.



The Local Government Act 2002 sets out the requirements for the long-term plan including the council's Financial Strategy, Finance and Funding policies, and rates remission policies among others.

The current long-term plan (Our Recovery Budget) covers 2021-2031.

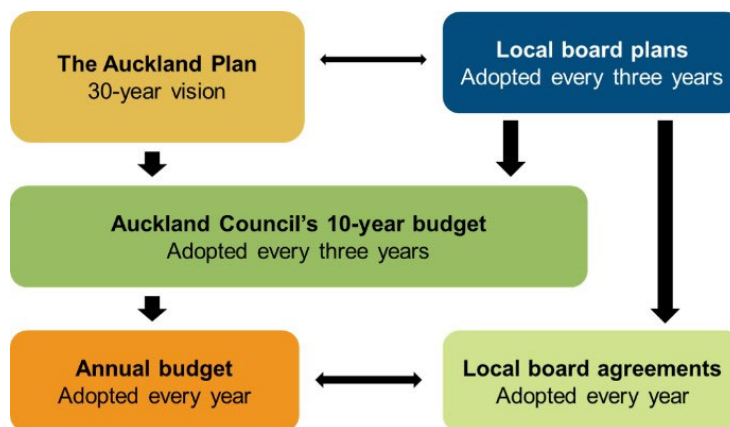
⁴⁵ <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/budget-plans/The-10-year-budget-2021-2031/Pages/default.aspx>

Annual Plan

Auckland Council's annual plan⁴⁶ (or annual budget) is produced each year of the intervening years (years two and three of the long-term plan) and is essentially a refresh of the financial information contained in the long-term plan for the year that it relates to. The Local Government Act 2002 sets out requirements for the annual plan, including applicable principles of consultation. Consultation documents are based on how the proposed annual plan differs from the current long-term plan.

The annual budget outlines what council plans to deliver, how this is paid for and how property rates are set for the financial year. The annual plan also includes the local board agreements of each of the 21 local boards.

The diagram below shows how the annual plan links with other council plans and agreements.



Unitary Plan

The Auckland Unitary Plan guides the development and quality of the city's built and natural environment over the coming decade. The Auckland Unitary Plan is the principal regulatory tool to implement the Auckland Plan 2050 development strategy.

Developing and adopting the Unitary Plan was a significant undertaking under the Resource Management Act 1991 and special legislation. The Plan was notified in 2013, followed by further submission and hearings through September 2013 to April 2016. The Auckland Unitary Plan Independent Hearings Panel made its recommendations to Auckland Council in July 2016 which were then considered and determined by Auckland Council. The remainder of the Unitary Plan will become operative as remaining appeals to the Environment Court and High Court are resolved.

⁴⁶ www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/budget-plans/Pages/default.aspx

More information can be viewed at:

<http://www.aucklandcouncil.govt.nz/EN/planspoliciesprojects/plansstrategies/unitaryplan/Pages/home.aspx>

Local boards

Local Board Plans

Local board plans⁴⁷ are three-year plans that set out the aspirations and priorities for each community and guide the decisions that each local board will make for their respective local board area over the next three years and beyond. Local board plans informed and influenced the development of Auckland Council's Long-term Plan.

Local Board Agreements

Local board agreements⁴⁸ are negotiated between local boards and the governing body of Auckland Council and determine a local board's budget and funding for local activities for each financial year.

Other key plans and policies – non-statutory

A number of core non-statutory strategies and policies are developed by Auckland Council to help deliver the Auckland Plan and its objectives. Examples include:

Te Tāruke-ā-Tāwhiri: Auckland's Climate Plan

Auckland's climate is changing and we need to prepare for the impacts of this change.

The plan is founded on three key elements to drive climate action:

- reflecting the uniqueness of Tāmaki Makaurau and the need to embed issues like equity, te ao Māori, and a strong rangatahi voice
- with a focus on halving emissions by 2030 and reaching net zero emissions by 2050
- and a stronger focus on how we will adapt to climate change, taking a precautionary approach and preparing for our current emissions pathway and the prospect of a 3.5 degrees warmer region.

The plan sets out eight priorities for climate action, working with central government, mana whenua, businesses and communities to deliver on the plan's ambition.

⁴⁷ <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/Pages/local-board-plans.aspx>

⁴⁸ <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/Pages/local-board-agreements.aspx>

Area Plans

Area plans⁴⁹ are long-term (30-year) plans to implement the directions and outcomes of the AucklandPlan 2050 and Unitary Plan at a local level.

Reports

Annual Report

The Local Government Act 2002 requires local authorities to prepare and adopt, for each financial year, an annual report containing information required by Part 3 of Schedule 10⁵⁰.

The purpose of an annual report is to compare actual activities against actual performance (as set out in the annual plan and the long-term plan) and to promote the council's accountability to the community. An annual report must be:

- completed and adopted (by resolution) within 4 months after the end of the financial year to which it relates
- made available to the public 1 month after its adoption.

Pre-election report

New Zealand's councils are required by the Local Government Act 2002 to produce a report prior to each local government election.

The pre-election report includes a snapshot of the performance of the council and CCOs, key financial measures from the past three years and projections for the next three. It also includes highlights from the council's current 10-year budget, an outline of the council's investment programme and major infrastructure projects planned over the next three years and into the longer term.

Hauraki Gulf Forum – state of the environment report

The Hauraki Gulf Forum is established by the Hauraki Gulf Marine Park Act 2000 and is comprised of representatives of the Ministers of Conservation, Māori Affairs and Fisheries, Auckland Council, Hauraki District Council, Matamata-Piako District Council, Thames-Coromandel District Council, Waikato District Council, Waikato Regional Council and six representatives of tangata whenua. The Forum publishes a state of the environment report regarding the Hauraki Gulf:

<https://www.aucklandcouncil.govt.nz/about-auckland-council/how-auckland-council-works/harbour-forums/Pages/hauraki-gulf-forum.aspx>

⁴⁹ <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/place-based-plans/area-plans/Pages/default.aspx>

⁵⁰ Local Government Act 2002, section 98

Consultation policies

Legal requirements

The Local Government Act 2002 sets standards for decision-making:

- when making significant decisions, the views of affected people need to be considered⁵¹
- when consulting, those people who are affected by, or have an interest in, the decision should be provided with adequate information and an opportunity to present their views⁵²
- Māori must have the opportunity to contribute to decision-making.⁵³

Significance and engagement policy

Background

The council is required to adopt a “Significance and engagement policy”⁵⁴ setting out:

- The council’s general approach to determining the significance of proposals and decisions
- criteria or procedures for assessing the extent to which issues, proposals, assets, decisions, or activities are significant or may have significant consequences
- how the council will respond to community preferences about engagement on decisions relating to specific issues, assets, or other matters, including the form of consultation that may be desirable
- how the council will engage with communities on other matters.

The purpose of the policy is that the council and the community can identify significance and have clarity about how the council will engage with the community.⁵⁵

The council’s Significance and Engagement Policy is here:

<https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-policies/Pages/significance-engagement-policy.aspx>

Engagement

The policy sets out the principles guiding the council on how it will engage with the community.

⁵¹ Local Government Act 2002, section 78

⁵² Local Government Act 2002, section 82

⁵³ Local Government Act 2002, section 81

⁵⁴ Local Government Act 2002, section 76AA

⁵⁵ Local Government Act 2002, section 76AA

The mayor has a legal responsibility to ensure there is effective community engagement.⁵⁶ Local boards are also responsible for communicating with local communities to help inform local decisionmaking and communicate local views to the governing body on regional issues.⁵⁷

General approach to determining significance

The governing body and local boards will consider the following matters when determining the degree of significance of a decision:

- the number of people affected, the degree to which they are affected and the likely impact of a decision
- whether this type of decision has a history of generating wide public interest within the local board area (for a local board decision) or Auckland or New Zealand generally (for a governing body decision)
- the impact of the decision on the governing body or local board ability to deliver on actions that contribute to the Auckland Plan, as well as any statutory responsibility
- the impact of the decision on intended service levels for a group of activities, including the starting or stopping of any group of activities
- the degree to which the decision or proposal can be reversed should circumstances warrant.

Thresholds

The council's thresholds relevant to determining significance are:

- creating a new group of activities;
- stopping carrying out a group of activities;
- increasing (by 33 per cent or more) or decreasing (by 20 per cent decrease or more) spending on a group of activities;
- transferring the ownership or control of our strategic assets.

Strategic assets

The council's strategic assets are those vital for delivery of its services to the community. These include whole networks of assets. There are also a few iconic assets which have strategic significance for the Auckland region. In addition, the Local Government Act 2002 provides that shares in a port company and an airport company, and assets used to provide housing for the elderly, are strategic assets⁵⁸.

The council's strategic assets:

⁵⁶ Local Government (Auckland council) Act 2009, section 9

⁵⁷ Local Government (Auckland council) Act 2009, section 13, 16

⁵⁸ Local Government Act 2002, section 5 (1) "Strategic asset"

- public transport network, including Britomart
- roading network
- stormwater network
- water and wastewater network
- parks network
- network of swimming pools
- network of community centres and halls
- community library network
- cemeteries, heritage scheduled buildings and structures
- freehold interest in waterfront land held by the Ports of Auckland Limited and the Auckland Waterfront Development Agency
- shares in substantive CCOs
- Auckland Central Library and the historical library collection
- Civic Theatre, Aotea Centre, Zoo, Viaduct Events Centre, North Harbour Stadium, Bruce Mason Theatre, Q Theatre, Auckland Art Gallery (including the art collection owned by Regional Facilities Auckland), Mt Smart Stadium and the council's contractual rights and interests in Auckland City Arena (known as Vector Arena)
- social housing network including housing for the elderly
- shares in Auckland International Airport Limited
- shares in Ports of Auckland Limited.

Strategic assets, as defined by the Significance and Engagement policy, that are owned and or managed by a substantive CCO are identified in the [CCO accountability policy](#) (page 307). CCOs must comply with the CCO accountability policy when making decisions in relation to strategic assets under their control.

Have your Say

Auckland Council's 'Have your say' initiative brings together all the ways in which the public can provide opinion and feedback on a wide range of topics.⁵⁹

The online page details information on Auckland Conversations⁶⁰, hearings, public notices, resource consents, the people's panel, and council meetings so that the general public are able to easily provide their thoughts on projects, plans and policies that will affect them and their community.

⁵⁹ For further information, visit <https://www.aucklandcouncil.govt.nz/have-your-say/Pages/home.aspx>

⁶⁰ <https://www.aucklandcouncil.govt.nz/have-your-say/Pages/auckland-conversations.aspx>

Bylaws

What are bylaws?

Bylaws are rules that the council⁶¹ has the power to make. They apply within the Auckland Council area and the council has a range of options to enforce them.

Auckland Council bylaws

Title of bylaw	Description	Commencement date
Air Quality Bylaw for Indoor Domestic Fires 2017	This bylaw aims to combat air pollution levels in winter through regulating what can be burnt in domestic fireplaces.	1 June 2017
Alcohol Control Bylaw 2014	This bylaw aims to reduce alcohol related harm by controlling the consumption or possession of alcohol in public places. It also establishes the structure to make, review, amend and revoke alcohol bans which may prohibit drinking alcohol in public places during particular times.	18 December 2014
Animal Management Bylaw 2015	This bylaw enables Aucklanders to own animals in a responsible way while minimising impacts on neighbours, protecting public health and safety and preventing damage to land and property.	1 September 2015
Cemeteries and Crematoria Bylaw 2014	This bylaw and related code of practice sets out a single approach to managing cemeteries and crematoria across Auckland.	1 November 2014
Dog Management Bylaw 2019	This bylaw contains dog owners' obligations that are additional to those already contained in the Dog Control Act 1996 and Animal Welfare Act 1999.	1 November 2019
Food Safety Information Bylaw 2020	The purpose of this Bylaw is to protect public health by requiring operators of certain food businesses to publicly display a food safety information certificate	23 May 2020
Freedom Camping Bylaw 2022	This bylaw promotes responsible freedom camping in Auckland. It includes rules about where you can and cannot freedom camp in vehicles.	1 September 2022

⁶¹ Auckland Transport can also make bylaws. See <https://at.govt.nz/about-us/bylaws/>

Health and Hygiene Bylaw 2013	This bylaw and related code of practice ensures that commercial tattooing, body piercing, hair removal, indoor tanning, and pedicure/manicure services, and the premises where they are provided, are not potentially harmful for the health of the community.	1 July 2014 (amendments to bylaw came into effect 22 November 2018 and 1 March 2019)
Navigation Bylaw 2021	The purpose of this bylaw is to ensure maritime safety and minimise the risk of fatalities, injuries, nuisance, accidents, collisions and damage on Auckland's navigable waters	31 July 2021
Property Maintenance and Nuisance Bylaw 2015	This bylaw requires private property to be maintained in a way so as to avoid creating a nuisance	1 November 2015
Public Safety and Nuisance Bylaw 2013	This bylaw aims to address issues relating to public safety and nuisance, and inappropriate behaviour in public places.	26 May 2014
Public Trading, Events and Filming Bylaw 2022	This bylaw helps people enjoy Auckland's public places. It includes rules about business, events and filming activities that require council approval.	26 February 2022
Signs Bylaw 2022	This bylaw provides for signs that protect people and environment. It includes rules for permanent and temporary signs on private and public property, including sign location, number, size, content and illumination.	26 May 2022
Stormwater Bylaw 2015	This bylaw provides a consistent regulatory approach for managing the public stormwater network across Auckland.	1 November 2015
Trade Waste Bylaw 2013	The purpose of this bylaw is to protect people and the environment from potential adverse effects of harmful substances discharged to the public wastewater system, and to provide for the efficient and effective operation of the public wastewater system.	1 July 2014 (amendments to bylaw came into effect 25 July 2019)
Traffic Bylaw 2015	This bylaw includes rules about the use of vehicles on council-controlled land that is not part of the Auckland transport system, like parks and beaches.	1 August 2015 (amendments to bylaw came into effect 1 October 2019)
Waste Management and Minimisation Bylaw 2019	This bylaw helps to manage and minimise rubbish, recycling and compost in Auckland. It includes rules about kerbside collections and requirements for the waste industry, businesses and multi-unit residential properties.	26 October 2019
Water Supply and Wastewater Network Bylaw 2015	This bylaw is administered by Watercare Services Limited, and helps protect Auckland's water supply and wastewater network.	1 July 2015

Council-controlled organisations

Overview

CCOs are organisations in which council has the responsibility to appoint at least 50 per cent of the board of directors or trustees. The Auckland Council has four substantive CCOs. Council also has a number of non-substantive CCOs.

Substantive council-controlled organisations

A substantive CCO is defined⁶² as a council-controlled organisation that is either wholly owned or wholly controlled by the council and:

- *either* is responsible for the delivery of a significant service or activity on behalf of the council
- *or* owns or manages assets with a value of more than \$10 million.

The substantive CCOs are:

- Auckland Transport (AT) (statutory entity)
- Tātaki Auckland Unlimited
- Eke Panuku Development Auckland⁶³
- Watercare Services Limited (WSL).

Auckland Council appoints all of the directors to the boards of the substantive CCOs.

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 are appointed by Auckland Council. One non-voting director is appointed by NZTA.

Eke Panuku Development Auckland was established by council resolution in 2015. This entity is the result of the amalgamation of two former council CCOs - Auckland Council Property Ltd and Auckland Waterfront Development Agency. Its purpose is to contribute to the implementation of the Auckland Plan by facilitating urban redevelopment that optimises and integrates good public transport outcomes, efficient and sustainable infrastructure and quality public services and amenities. Eke Panuku is also responsible for managing council’s non-service property portfolio and providing strategic advice on council’s other property portfolios. It recycles or redevelops sub-optimal or underutilised

⁶² Local Government (Auckland council) Act 2009, section 4

⁶³ In 2015 Auckland Council Properties Limited merged with the Auckland Waterfront Development Agency to form Eke Panuku Development Auckland

council assets and aims to achieve an overall balance of commercial and strategic outcomes.

Watercare Services Ltd was an existing entity prior to amalgamation in 2010, and under the Local Government (Auckland Council) Act 2009 was given the responsibility of becoming the 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.

Tātaki Auckland Unlimited was established in 2020 and builds on the 10-year legacy of its founding organisations – Regional Facilities Auckland Ltd (RFA), and Auckland Tourism, Events & Economic Development Ltd (ATEED). The merger of RFA and ATEED brings together the cultural activities and economic development of Tāmaki Makaurau and leverages the combined resources and assets of both legacy CCOs. Tātaki Auckland Unlimited delivers a coordinated, region-wide programme to maximise cultural, social, and economic benefits for our residents and visitors. Driving investment and innovation, Auckland Unlimited supports Auckland businesses to thrive.

Other CCOs (non-substantive)

Non-substantive CCOs are less prominent in size and scale, but they provide a valuable service to a wide range of stakeholders and are key contributors to delivering council programmes and services. These include:

- Community Education Trust Auckland (COMET Auckland)
- Contemporary Art Foundation
- Mangere Mountain Education Trust
- Te Taumata Toi-a-iwi (Arts Regional Trust)
- Mount Albert Grammar School Community Swimming Pool Trust
- Te Puru Community Charitable Trust.
- Manukau Beautification Charitable Trust

Governance

CCOs are governed by their boards of directors or trustees and are accountable to the council.

The purpose of the Council-Controlled Organisation Direction and Oversight Committee includes to:

- have a general overview and insight into the strategy, direction and priorities of all Council Controlled Organisations, except Auckland Transport

- set policy relating to CCO governance and accountability
- approve CCO Statements of Intent (SOI), except Auckland Transport
- monitor performance of CCOs (except Auckland Transport)
- receive reports from each Lead Councillor CCO.

The Transport and Infrastructure Committee has the oversight role for Auckland Transport. The committee's responsibilities include:

- direction, oversight and monitoring of Auckland Transport
- providing direction to Auckland Transport on key matters when engaging communities on transport issues
- recommending to the mayor the content of the annual LoE to Auckland Transport
- exercising relevant powers under Schedule 8 of the Local Government Act 2002, which relate to the Statements of Intent of Auckland Transport.

The Performance and Appointments Committee makes appointments to Council-Controlled Organisations (CCOs) and approve policies relating to the appointment of CCO directors.

CCOs are empowered to engage Māori in their decision-making processes and practice to ensure Māori interests are considered in the achievement of the CCO's outcomes.

Accountability policy

Auckland Council must adopt a policy on the accountability of its substantive council-controlled organisations⁶⁴.

The policy must include a statement of the council's expectations with respect to council's and central government's objectives and priorities, specify any reporting and planning requirements, set out circumstances in which each CCO must conduct its business as if subject to Part 7 of the LGOIMA, and identify or define strategic assets.

This policy must be adopted and included by the council as part of its long-term plan and may only be amended via amendment to the long-term plan.

Additional accountability may be imposed by the council, including:

- letters of expectation
- quarterly reporting on performance against the SOI

⁶⁴ Local Government (Auckland council) Act 2009, section 90

- 10-year forecast
- requirement for prescribing the management of assets.

Substantive CCOs must give effect to the long-term plan and act consistently with other specified plans and strategies of the council⁶⁵.

Statement of Expectations

Local authorities have the ability to issue a 'Statement of Expectations' to CCOs in accordance with section 64B of the Local Government Act 2002.

In July 2021, Auckland Council approved its first iteration of this document. The Statement of Expectations is to be read in conjunction with the Accountability Policy, but where the Accountability Policy largely deals with 'what' CCOs are expected to do, the Statement of Expectations focuses on how CCOs should conduct their business and manage their relationships with Council and other stakeholders.

Both documents have statutory status and work in complementary fashion but cover different elements of accountability.

The Statement of Expectations has three main parts, which mirror the provisions of the legislation:

- (i) Conduct of relationships:
 - with Council as shareholder: to give effect to Tamaki Makaurau's shared governance model (Governing Body and Local Boards), achieve outcomes for Aucklanders, operate as a group, adhere to the 'no surprises' principle, participate in strategy and policy development, and meet common group standards on matters such as branding and openness (public meetings and official information)
 - relationships with communities and specified stakeholders
 - relationships with iwi, hapu, and other Māori organisations, including the IMSB
- (ii) Acting consistently with obligations which the Council has (such as statutory obligations, and agreements with third parties)
- (iii) Other expectations (eg. In relation to climate change, strategy development, balancing commercial and public good, providing value for money, managing risk appropriately, and hauora).

⁶⁵ Local Government (Auckland council) Act 2009, section 92

The Statement of Expectations largely reflects current practice. Additional or more well-developed expectations may arise from implementation of the 2020 CCO Review and the intention is to revise the Statement of Expectations in 2021/22.

Directors

Appointment of directors

Part 5, section 57 of the Local Government Act 2002 states:

- (1) A local authority must adopt a policy that sets out an objective and transparent process for —
 - (a) the identification and consideration of the skills, knowledge, and experience required of directors of a council organisation; and*
 - (b) the appointment of directors to a council organisation; and*
 - (c) the remuneration of directors of a council organisation.**
- (2) A local authority may appoint a person to be a director of a council organisation only if the person has, in the opinion of the local authority, the skills, knowledge, or experience to—
 - (a) guide the organisation, given the nature and scope of its activities; and*
 - (b) contribute to the achievement of the objectives of the organisation.**
- (3) When identifying the skills, knowledge, and experience required of directors of a council-controlled organisation, the local authority must consider whether knowledge of tikanga Māori may be relevant to the governance of that council-controlled organisation*

Councillors of the governing body and local board members are prohibited from appointment as directors of substantive CCOs, except that two members of the governing body may be appointed to the board of Auckland Transport. Councillors appointed as directors of Auckland Transport have all the duties and responsibilities that apply to other directors, including in exercising reasonable care, diligence, and skill to enable AT to meet its statutory purpose.

Where a director of a CCO is elected to be a member of the governing body or local board, he or she must resign the directorship prior to taking up the new position. The council may appoint the chair and deputy chair of the substantive CCOs.

Statements of intent

The council agrees Statements of Intent with each of its CCOs, which contain performance measures for the CCOs. The CCOs also have a role in helping achieve the objectives in the council's long-term plan and other strategic plans, such as the spatial plan.

Statements of Intent (not to be confused with the Statement of Expectations above) are provided for in the Local Government Act 2002 (in particular Schedule 8).

Meetings of CCOs and public attendance

CCOs are required to agree an annual statement of intent and report performance against the statement of intent in two public meetings a year.

One meeting must be before 30 June to consider the draft statement of intent, and the other after 1 July to consider the CCO's performance under the statement of intent for the previous financial year. The board has to allow reasonable time for the public to address the meetings.

Although the CCOs are not required to by legislation, the majority of CCO Board meetings have a portion which is open to the public. This is consistent with Council's general expectation of openness, as detailed in the Statement of Expectations.

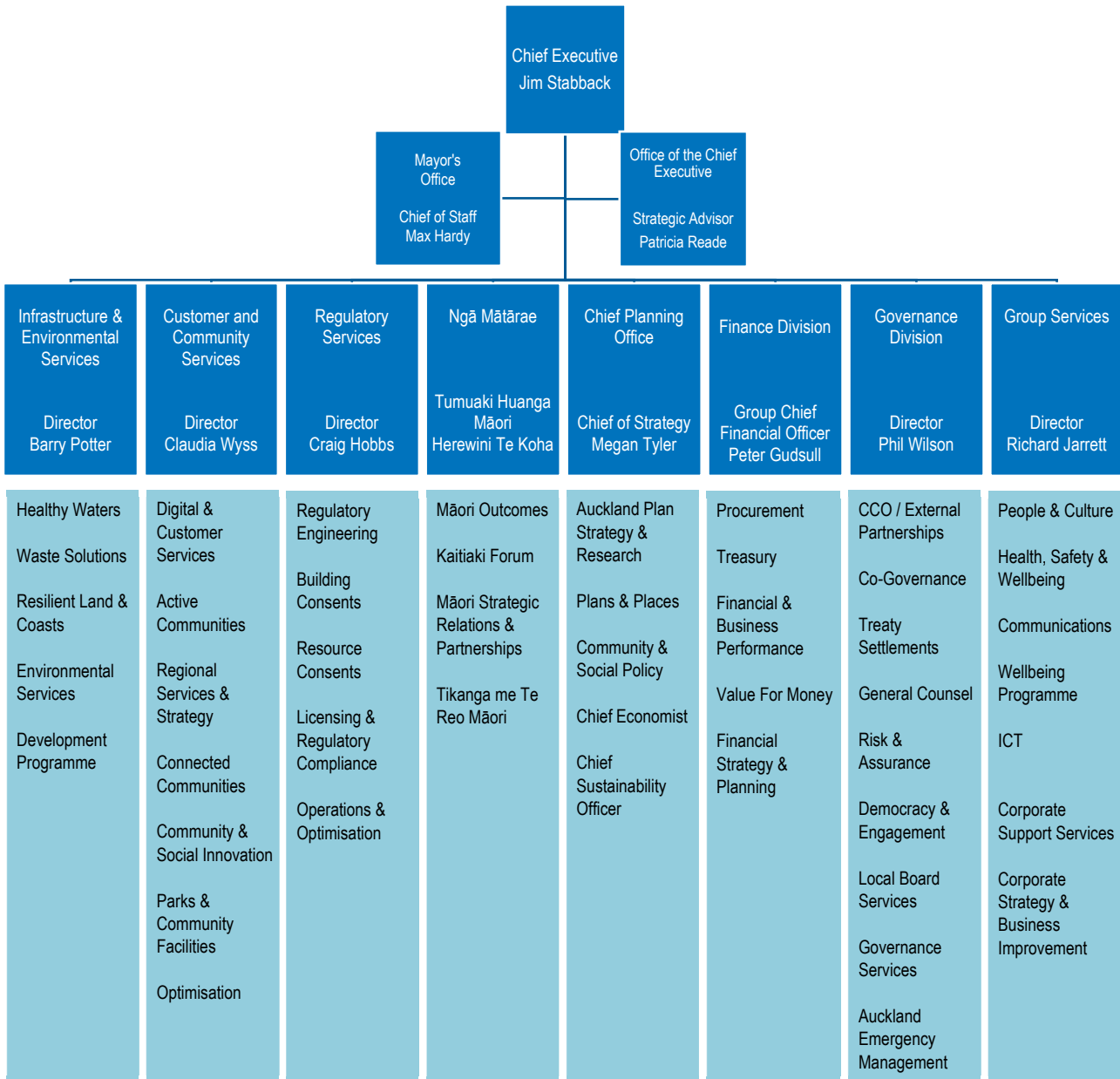
Further information

Further information is available on the council's website:

<https://www.aucklandcouncil.govt.nz/about-auckland-council/how-auckland-council-works/council-controlled-organisations/Pages/default.aspx>

Management structure

Organisation chart



Division of responsibility between the council and management

The Local Government Act 2002 requires council to employ a chief executive whose responsibilities are to employ other staff on behalf of the council, implement council decisions and provide advice to the council.

Under the Act the chief executive is the only person who may lawfully give instructions to a staff member. Any complaint about individual staff members should therefore be

directed to the chief executive, rather than the mayor, councillors or local board members.

Remuneration and employment policy

The Local Government Act 2002 allows councils to adopt remuneration and employment policies. The council's current "Group Remuneration Policy" was approved by the governing body in June 2021⁶⁶.

Equal Employment Opportunity Policy

The chief executive has adopted an equal employment opportunity policy in regard to the recruitment of staff. Auckland Council, including CCOs, is committed to Equal Employment Opportunities and to attracting, retaining, developing and promoting the most qualified person regardless of:

- race
- colour
- gender
- age
- sexual orientation/preference
- nationality
- ethnic origin
- disability
- marital status
- employment status
- religious or ethical beliefs
- family status
- political or other organisation affiliation
- or any other characteristic prohibited by law.

Auckland Council/CCO supports and encourages:

- all employees and representatives being treated with respect and fairness
- achieving diversity in the workplace by employing people with a wide range of skills and talent and from all sectors of society
- all employees and representatives being employed, promoted and rewarded according to their abilities and performance

⁶⁶ https://infocouncil.aucklandcouncil.govt.nz/Open/2021/06/GB_20210624_AGN_10143_AT_WEB.htm

- recognition of the cultural values of Māori people and obligations under the Treaty of Waitangi, as well as cultural values of all others in the region
- recognition of the need for people with disabilities to be considered on merit and for their special needs to be recognised and wherever practical accommodated
- flexible working practices, which enable employees and representatives to balance their work and family commitments
- good employer principles as defined in the Local Government Act 2002.

Requesting official information

Official information

The term “official information” refers to all information (with a few exceptions) held by a local authority. The Local Government Official Information and Meetings Act 1987 (LGOIMA) requires all official information to be available to the public unless there are good reasons for withholding it.

Any person may request information from the council and any request for information is made under the LGOIMA. You do not have to say you are making a request under the LGOIMA. Requests must be responded to as soon as practicable and a decision about the request for information provided no later than 20 working days (although there are certain circumstances where this time frame may be extended).

The council may charge for official information.

Requesting information

A request should include your name, contact details and specific details of the information being requested.

Information can be requested in the following ways:

Phone: 09 301 0101

Email: officialinformation@aucklandcouncil.govt.nz

Online: www.aucklandcouncil.govt.nz/officialinformation

Post: Privacy and Official Information Team
Governance Services Auckland Council
Private Bag 92300
Auckland 1142

Or: In person at any of the council’s service centres.

In brief, sections 10, 11, 13 and 15 of the LGOIMA provide as follows:

- requests should be made with “due particularity”; this means being as specific as possible about what information is being requested (rather than asking for all files about a general topic, which creates a large amount of work).
- it is the duty of the council to assist people making requests
- the council must convey its decision on whether to grant the request and whether a charge will apply as soon as practicable and no later than 20 working days
- information in documents may be made available by providing an opportunity to read it, by providing a copy of it or by providing a summary or excerpt. However, it

should be made available in the way preferred by the person requesting it unless there are reasons for not doing so.

Refusal of requests for information

Where a request is refused the council must give its reasons and advise the person making the request that there is a right (by way of a complaint) to have the decision reviewed by the Office of the Ombudsman.

Sections 6 and 7 of the LGOIMA give the following reasons for withholding information:

- making it available would be likely to prejudice the maintenance of the law, or endanger safety
- withholding the information is necessary to:
 - protect privacy
 - protect information where its release would disclose a trade secret or would prejudice the commercial position of the person who supplied, or who is the subject of, the information
 - avoid offence to tikanga Māori or avoid disclosure of wāhi tapu locations
 - protect an obligation of confidentiality where making it available would affect the future supply of information or would otherwise damage the public interest
 - maintain free and frank discussion or protect officers and members from harassment
 - maintain legal professional privilege
 - enable the council to carry out without prejudice or disadvantage commercial activities or negotiations
 - prevent the use of information for improper gain.

Any reasons for withholding information under section 7 must be balanced with the public interest in making that information available.

Section 17 allows requests to be refused for a number of reasons such as the information will soon be publicly available, the information does not exist or cannot be found, or the information cannot be made available without substantial collation or research.

Charges for official information requests

The LGOIMA allows for charges to be set to cover some of the costs of collating and making information available. The council's charges are based on the guidelines of the Ministry of Justice. Briefly, the first four hours for collating information is not charged (then a rate of \$38 per half hour applies) and, for photocopying and printing, the first 20 pages are not charged (then a rate of 20 cents per page is applied). Charges can be reduced or waived in certain circumstances.

Enquiries & complaints

Customer enquiries

<https://www.aucklandcouncil.govt.nz/report-problem/Pages/our-contact-details.aspx>

Phone:	(09) 301 0101 (customer call centre 24 x 7)
Fax:	(09) 301 0100
Letter:	Auckland Council Private Bag 92300 Auckland 1142
Courier:	Mail room, Basement 1 135 Albert Street Auckland 1010
Twitter:	@AklCouncil (monitored 8am – 5pm excluding public holidays)

Customer service centres

Central	
Bledisloe Lane Service Centre Bledisloe House 24 Wellesley Street Auckland Central	
North	
Ōrewa Service Centre 50 Centreway Road Ōrewa	Takapuna Library and Council Services Takapuna Library 9 The Strand Takapuna
Warkworth Service Centre 1 Baxter Street Warkworth	

West	
Henderson Service Centre 1 Smythe Road Henderson	Helensville Library and Council Services 49 Commercial Road Helensville
Kumeu Library and Council Services 296 Main Road (SH16) Huapai	Te Manawa Service Centre 11 Kohuhu Lane Westgate
South	
Manukau Service Centre Ground Floor, Kotuku House 4 Osterley Way Manukau City	Pukekohe Library and Council Services Pukekohe Library 12 Massey Avenue Pukekohe
Sir Edmund Hillary Library and Council Services 1/209 Great South Road Papakura	
Hauraki Gulf Islands	
Great Barrier Island Service Centre 75 Hector Sanderson Road Claris Aotea / Great Barrier Island	Waiheke Island Service Centre 10 Belgium Street Ostend Waiheke Island

Auckland Transport (general) (09) 355 3553 <https://at.govt.nz/about-us/contact-us/>

Auckland Transport (public transport) (09) 366 6400 <https://at.govt.nz/bus-train-ferry/>

Watercare (09) 442 2222 <http://www.watercare.co.nz>

Complaints

The council regards complaints and compliments as important tools in improving its services to the public.

Complaints are usually of three basic types:

- Complaints requiring either staff or contractors to attend, assess and take action. These complaints are also known as a “request for service” (RFS). Some examples are noise complaints, consent compliance, or illegally dumped rubbish.
- Formal complaints made to or about council where a response or resolution is required. For example, if the council has not done what it said it would do, the customer disagrees with a decision made, or is unhappy with staff or contractor behaviour, or the quality of service is unsatisfactory.
- Complaints relating to council-controlled organisations such as Auckland Transport, which are managed by the CCO directly.

Complaints relating to the council’s own services received in written or email form are dealt with through a standard procedure which includes investigation and ideally resolution, an appropriate response to the complainant and process improvement (where possible). Complaints which cannot be resolved have an appeal process, and a centralised complaints team is available to assist with escalated complaints.

Appendices

Appendix A: Other legislation affecting Auckland Council

<p>A</p> <ul style="list-style-type: none"> Accident Compensation Act 2001 Airport Authorities Act 1966 Animal Welfare Act 1999 Animals Law Reform Act 1989 Animal Products Act 1999 Anti-Money Laundering and Countering Financing of Terrorism Act 2009 Arts Council of New Zealand Toi Aotearoa Act 2014 Auckland City Endowments and Reserves Act 1875 Auckland Domain Act 1987 Auckland Improvement Trust Act 1971 Auckland Regional Amenities Funding Act 2008 Auckland War Memorial Museum Act 1996 	<p>E</p> <ul style="list-style-type: none"> Earthquake Commission Act 1993 Electoral Act 1993 Electricity Act 1992 Electronic Courts and Tribunals Act 2016 Employment Relations Act 2000 Energy Companies Act 1992 Engineering Associates Act 1961 Environment Act 1986 Epidemic Preparedness Act 2006 Equal Pay Act 1972 Estate and Gift Duties Act 1968 Evidence Act 2006
<p>B</p> <ul style="list-style-type: none"> Biosecurity Act 1993 Building Act 2004 Building Research Levy Act 1969 Burial and Cremation Act 1964 Bylaws Act 1910 	<p>F</p> <ul style="list-style-type: none"> Fair Trading Act 1986 Fees and Travelling Allowances Act 1951 Fencing Act 1978 Financial Markets Conduct Act 2013 Financial Reporting Act 2013 Financial Service Providers (Registration and Dispute Resolution) Act 2008 Fire and Emergency New Zealand Act 2017 Food Act 2014 Freedom Camping Act 2011
<p>C</p> <ul style="list-style-type: none"> Charitable Trusts Act 1957 Charities Act 2005 Children's Act 2014 Citizenship Act 1977 Civil Aviation Act 1990 Civil Defence Emergency Management Act 2002 Climate Change Response Act 2002 Commerce Act 1986 Companies Act 1993 Conservation Act 1987 Contract and Commercial Law Act 2017 Construction Contracts Act 2002 Consumer Guarantees Act 1993 Copyright Act 1994 Credit Contracts and Consumer Finance Act 2003 Crimes Act 1961 Criminal Disclosure Act 2008 Criminal Procedure Act 2011 Crown Minerals Act 1991 	<p>G</p> <ul style="list-style-type: none"> Gambling Act 2003 Gas Act 1992 Goods and Services Tax Act 1985 Government Rooding Powers Act 1989
<p>D</p> <ul style="list-style-type: none"> Data and Statistics Act 2022 Disabled Persons Community Welfare Act 1975 Disputes Tribunal Act 1988 District Court Act 2016 Dog Control Act 1996 	<p>H</p> <ul style="list-style-type: none"> Harbour Boards Dry Lnd Endowment Revesting Act 1991 Harmful Digital Communications Act 2015 Hauraki Gulf Marine Park Act 2000 Hazardous Substances and New Organisms Act 1996 Health Act 1956 Health and Safety at Work Act 2015 Heritage New Zealand Pouhere Taonga Act 2014 Holidays Act 2003 Housing Act 1955 Housing Assets Transfer Act 1993 Human Rights Act 1993
	<p>I</p> <ul style="list-style-type: none"> Immigration Act 2009 Impounding Act 1955 Income Tax Act 2007 Incorporated Societies Act 1908 Insolvency Act 2006

J

Joint Family Homes Act 1964
Judicial Review Procedure Act 2016

K

Kāinga Ora–Homes and Communities Act 2019
KiwiSaver Act 2006

L

Land Act 1948
Land Drainage Act 1908
Land Transfer Act 2017
Land Transport Act 1998
Land Transport Management Act 2003
Lawyers and Conveyancers Act 2006
Legislation Act 2019
Limitation Act 2010
Litter Act 1979
Local Authorities (Members' Interests) Act 1968
Local Electoral Act 2001
Local Government (Auckland Council) Act 2009
Local Government (Rating) Act 2002
Local Government (Auckland Transitional Provisions) Act 2010
Local Government Act 1974
Local Government Act 2002
Local Government Official Information and Meetings Act 1987

M

Major Events Management Act 2007
Marine Mammals Protection Act 1978
Marine Reserves Act 1971
Maritime Transport Act 1994
Māori Commercial Aquaculture Claims Settlement Act 2004
Marine and Coastal Area (Takutai Moana) Act 2011
Minimum Wage Act 1983
Museum of New Zealand Te Papa Tongarewa Act 1992
Museum of Transport and Technology Act 2000

N

National Parks Act 1980
National Provident Fund Restructuring Act 1990
New Zealand Bill of Rights Act 1990
New Zealand Infrastructure Commission/Te Waihanga Act 2019
New Zealand Library Association Act 1939
New Zealand Railways Corporation Act 1981
Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014
Ngā Manuhiri Claims Settlement Act 2012
Ngāi Tai ki Tāmaki Claims Settlement Act 2018
Ngāti Tamaoho Claims Settlement Act 2018
Ngāti Whātua o Kaipara Claims Settlement Act 2013
Ngāti Whātua Ōrākei Claims Settlement Act 2012

O

Oaths and Declarations Act 1957
Occupiers' Liability Act 1962
Ombudsmen Act 1975
Onehunga Reserves Act 1875

P

Pae Ora (Healthy Futures) Act 2022
Parental Leave and Employment Protection Act 1987
Personal Property Securities Act 1999
Plumbers, Gasfitters and Drainlayers Act 2006
Point England Development Enabling Act 2018
Port Companies Act 1988
Privacy Act 2020
Property Law Act 2007
Prostitution Reform Act 2003
Protected Disclosures (Protection of Whistleblowers) Act 2022
Psychoactive Substances Act 2013
Public Audit Act 2001
Public Bodies Leases Act 1969
Public Finance Act 1989
Public Records Act 2005
Public Reserves Sale Act 1879
Public Trust Act 2001
Public Works Act 1981

Q

Queen Elizabeth the Second National Trust Act 1977

R

Racing Industry Act 2020
Railways Act 2005
Rates Rebate Act 1973
Rating Valuations Act 1998
Receiverships Act 1993
Remuneration Authority Act 1977
Reserves Act 1977
Reserves and Other Lands Disposal and Public Bodies Empowering Act 1915
Residential Tenancies Act 1986
Resource Management Act 1991

S

Sale and Supply of Alcohol Act 2012
Secret Commissions Act 1910
Search and Surveillance Act 2012
Senior Courts Act 2016
Sentencing Act 2002
Smoke-free Environments and Regulated Products Act 1990
Soil Conservation and Rivers Control Act 1941
Sovereign's Birthday Observance Act 1952
Stamp and Cheque Duties Act 1971
Standards and Accreditation Act 2015
State-Owned Enterprises Act 1986

Summary Offences Act 1981
Summary Proceedings Act 1957

T

Tax Administration Act 1994
Te Kawerau ā Maki Claims Settlement Act 2015
Te Pire mō te Hararei Tūmatanui o te Kāhui / Te Kāhui o
Matariki Public Holiday Act 2022
Te Pire mō Te Reo Māori / Māori Language Act 2016
Te Ture Whenua Maori Act 1993
Te Uri o Hau Claims Settlement Act 2002
Telecommunications Act 2001
Trade Marks Act 2002
Treaty of Waitangi Act 1975
Trespass Act 1980
Trusts Act 2019

U

Unit Titles Act 2010
Unsolicited Electronic Messages Act 2007

W

Wages Protection Act 1983
Waitakere Ranges Heritage Area Act 2008
Walking Access Act 2008
Waste Minimisation Act 2008
Weathertight Homes Resolution Services Act 2006
Wild Animal Control Act 1977
Wildlife Act 1953
Winston Churchill Memorial Trust Act 1965

Appendix B: Local legislation – former councils

Auckland City Council

Local Legislation Act 1927

- Section 33 authorises Auckland City council to lease a portion of the Auckland Domain to the Auckland Bowling Club.
- Section 33 specifies that the lease must be for a term or terms not exceeding 21 years.
- Section 38 authorised Auckland City council to return Symonds Street Cemetery to the Hebrewcommunity.

Local Legislation Act 1929

- Section 30 authorises Mount Eden Borough council to grant a lease to the Mount Eden BowlingClub.
- Section 30(1) specifies that the lease authorised is for a term of 21 years, with a right of renewal fora further period of 21 years, upon such terms as may be specified or approved by the Governor- General.

Local Legislation Act 1954

- Section 25 provides for the purchase of Matiatia Wharf by the Western Waiheke Road Board.
- Section 36 authorised the Auckland Metropolitan Drainage Board to transfer Motukorea Island toAuckland City Corporation to enable the island to be set aside as a public reserve.

Local Legislation Act 1955

- Section 19 provides for the leasing of certain lands by the Auckland City council.
- Section 19(2) empowered the council to lease the land to Northern Automobile Limited, but onlyuntil 1994.
- Section 19(1) provides that the council should hold the lands as and for an endowment for the benefit of the inhabitants of the City of Auckland and not for any special purpose that the councilshould have.

Local Legislation Act 1956

- Section 42 provides for certain leases granted to Auckland City Corporation by the AucklandHarbour Board.
- Section 42(5) specifies that the Board and the Corporation are authorised and empowered to varythe terms of the lease.

Local Legislation Act 1959

- Section 18(1) empowers Auckland City council to grant leases of all or any parts of the land described (by Auckland Registry lot number) in section 18(3).
- Section 40 authorised Auckland City council to enter into an agreement with the Minister of Works with respect to Mangere Airport.

- Section 40(1) provides for the council and any other local authority to enter into a subsidiary agreement relating to Mangere Airport.
- Section 40(2) outlines what the subsidiary agreement could provide for.

Local Legislation Act 1961

- Section 23 provides for the vesting of Smith Street in Auckland as an estate in fee simple, to adjoin other land vested in the mayor, councillors and citizens of the City of Auckland (“the Corporation”) as an endowment for the improvement and benefit of the City of Auckland.
- Section 23(2) empowers the Corporation to lease the land.
- Section 23 provides that the vested land shall be held as an endowment for the improvement and benefit of the City of Auckland.

Local Legislation Act 1962

- Section 22 authorised the Mount Albert Borough council to enclose and lease certain land.
- Section 22(3) provides that all money received by the borough council by way of rent under the lease shall be paid into the general funds of the council.

Local Legislation Act 1963

- Section 7 empowers Auckland City Corporation to deal with and apply the proceeds of the taking of various areas of land Grafton Road and Wynyard and d'Urville Streets. The Corporation will have powers of leasing and disposition, as well as the power of demolishing or erecting any buildings on any land pursuant to this section.
- Section 7 provides that the net proceeds of the money received by the Corporation by way of compensation shall be paid into the Auckland Domain Trust Account, and shall be applied in or towards the cost of purchasing or otherwise acquiring land or the improvement of land.

Local Legislation Act 1965

- Section 19 declared certain areas of endowment land to be a street vested in the council.

Local Legislation Act 1966

- Section 24 authorises the Corporation of Auckland City to let or lease the Town Hall building. The Corporation shall have all such powers of leasing and disposition as it has under the provisions of the Acts listed in the section, as well as the powers set out in respect of its general and ordinary endowments.

Local Legislation Act 1972

- Section 25 provided that an area of land owned in fee simple by Mutual Life and Citizens' Assurance Company Limited shall be dedicated as a street and vested in the council.
- Section 25 provides that the land will revert to the owner if the land ceases to form part of St Lukes Road Regional Road.

Local Legislation Act 1978

- Section 6 authorised the One Tree Hill Borough council to apply the proceeds from the sale of Lot 30 DP 4384, to the purchase of land and the development of buildings.
- Section 6 provides that the proceeds will apply only to the purchase of land and the development of buildings associated with the borough council's activities or for either of these purposes.

Local Legislation Act 1979

- Section 4 validates an illegal agreement and authorises the lease of land to the University of Auckland as a medical centre.

Local Legislation Act 1985

- Section 2 authorised the Auckland Harbour Board to lease the Ferry Building, at such rent and upon terms it considers fit and without offering it for public application or ballot, or selling it by public auction or tender.

Manukau City Council**Auckland Harbour Board (Half Moon Bay) Vesting and Empowering Act 1968:**

- An Act to vest in the Auckland Harbour Board a certain part of the Tāmaki Estuary in the Waitematā Harbour; to authorise the Board to reclaim a certain area thereof and to develop such reclaimed land for the purpose of a boat harbour; and to authorise the Board or the Manukau City council to reclaim a further area thereof and the Board to transfer such reclaimed land to the council.

Clevedon Agricultural and Pastoral Association Empowering Act 1994:

- An Act to enable the Clevedon Agricultural and Pastoral Association to sell land to the Manukau City council as recreation reserve and to provide for the future use of that land (being the subdivision and leasing of part of the land back to the Association).

Local Legislation Act 1986:

- In section 4 the Manukau City council is authorised and empowered to grant to any person a licence to develop, use, and occupy, for boat harbour purposes, all or any part of the land shown marked "A" on SO Plan 67375 (being Pine Harbour Marina).

North Shore City Council

- Auckland Harbour Board (Devonport Wharf) Vesting and Empowering Act 1989
- Auckland Harbour Board (Reclamations) Empowering Act 1967
- Auckland Harbour Board and Birkenhead Borough Empowering Act 1907
- Auckland Harbour Board and Devonport Borough council Empowering Act 1905
- Auckland Harbour Board and Takapuna Borough council Empowering Act 1923
- Auckland Harbour Board Empowering Act 1944
- Auckland Harbour Board, Devonport Borough council and Devonport Domain Board Empowering Act 1918

- Takapuna Borough Foreshore Vesting Act 1914
- certain provisions of the Local Legislation Acts between 1926 and 1992.

Waitākere City Council

Waitematā City council (West Harbour) Empowering Act 1979:

- Authorised the former Waitematā City council to develop and operate the West Harbour Marina

Appendix C: Decision-making responsibilities of Auckland Council's Governing Body and local boards

(Ngā Kawenga Whakatau-Kaupapa a te Tira Kāwana me ngā poari ā-rohe)

This policy sets out Auckland Council's allocation of decision-making responsibilities of non-regulatory activities among the Governing Body and local boards. Providing context for this is:

- an overview of the sources of decision-making responsibilities for the Governing Body and local boards
- a summary of the associated powers.

Sources 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.

ii. Delegation of decision-making responsibilities

The Governing Body can delegate some of its decision-making responsibilities to local boards.

The Governing Body and local boards can also be delegated decision-making responsibilities from Auckland Transport.

iii. 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 (section 14(3) of the Act).

Statutory and delegated decision-making responsibilities

Statutory decision-making responsibilities

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
- Maintaining the capacity of Auckland Council to provide its services and facilities (including the disposal and acquisition of assets)

- 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 Act.

When exercising their respective decision-making responsibilities, the Governing Body and local boards must ensure compliance with all statutory requirements. This includes the council's obligations under the Health and Safety at Work Act 2015.

Delegated decision-making responsibilities

To date the Governing Body has delegated the following decision-making responsibilities to all local boards⁶⁷:

- Input into notification decisions for resource consent applications
- 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 (on, off, club and special licences) 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 under section 14(1)
 - classifying a reserve under sections 16(1) or 16(2A)
 - reclassifying a reserve under section 24(1)
 - proposing the revocation of reserve status under section 24(1), where the request to revoke is because the local board wishes to manage the land under the Local Government Act 2002
- Disposal of local service property and reinvestment of sale proceeds in accordance with the service property optimisation approach (as adopted by the Governing Body).

⁶⁷ This is intended to summarise key existing delegations made by the Governing Body and is not intended to be an exhaustive list of all delegations to local boards. Refer to the relevant resolutions for the detail of each delegation.

The Governing Body has also delegated the following decision-making responsibilities to:

- Āotea / Great Barrier Local Board, for-
 - authorising the destruction of wandering stock on Great Barrier Island, in accordance with the Impounding Act 1955
 - decision-making on operational cemeteries on Great Barrier Island

One-off delegations to local boards from the Governing Body that are given on an ad hoc basis are not recorded in this policy.

There are currently no delegations in place from Auckland Transport to either the Governing Body or local boards.

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 2022.

The allocation has been written on an inclusive basis. It does not contain an exhaustive list of all elements that make up an allocated activity. To aid interpretation, elements of the key decision-making responsibilities of local boards and the Governing Body are provided for each allocated activity.

It is intended that the allocation be interpreted on a principled basis. Given the broad range of activities undertaken by Auckland Council it is not possible to list in precise detail all elements that are allocated to a local board or the Governing Body. Instead, the allocation is applied on a case-by-case basis.

This needs to take into account the principles of section 17 of the Local Government Auckland Council Act. The general principle is that a non-regulatory decision will be made by local boards unless the activity is such that decision-making on an Auckland-wide basis will better promote the well-being of the communities across Auckland.

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	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 	Regional governance including: <ul style="list-style-type: none"> • decision-making and oversight of decision on regional activities • submissions to government on

<p>Regionally delivered services</p>	<p>determining areas in which activities may take place and local service specifications</p> <ul style="list-style-type: none"> • 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. 	<p>legislation including official submissions of Auckland Council incorporating local board views</p> <ul style="list-style-type: none"> • 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 <i>including:</i></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 <i>including:</i></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>Street environment and town centres <i>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 	<p>Street environment and town centres <i>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.

	Local Government Act 1974.	
	<p>Business area planning including:</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 • 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. 	<p>Economic development including:</p> <ul style="list-style-type: none"> • regional economic development strategy and policy, such as Auckland economic development strategy, investment framework and BID policy • 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 and formal endorsement by local boards. The adoption decision sits with Governing Body as it requires alignment and integration with other Governing Body responsibilities including regulatory plans, infrastructure prioritisation, asset and funding decisions. • 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 Eke 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 Auckland Unlimited. 	
Parks and community services	<p>Local arts and culture activity including:</p> <ul style="list-style-type: none"> • number of new local arts and culture facilities and their specific location, design, build and fit out 	<p>Regional arts and culture activity including:</p> <ul style="list-style-type: none"> • any new arts and culture facilities acquired for an Auckland-wide purpose or

	<p>within budget parameters agreed with the Governing Body</p> <ul style="list-style-type: none"> • 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>function</p> <ul style="list-style-type: none"> • 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>Local events <i>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 • tailoring regional events programmes to local needs. 	<p>Regional events <i>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.
	<p>Local community development and facilities <i>including:</i></p> <ul style="list-style-type: none"> • the number of new local community facilities and their specific location, design, build and fit out within budget parameters agreed with the Governing Body • plans, projects and initiatives specific to the local area • tailoring region-wide community development and safety programmes to local needs • facilitating community-led 	<p>Regional community development and facilities <i>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 location design and use of any new community facilities developed for an Auckland-wide purpose • social housing, such as housing for the elderly.

	<p>placemaking and development initiatives</p> <ul style="list-style-type: none"> • community advisory services • local community funding and grants • the use of local community facilities, including leasing and changes of use. 	
	<p>Local libraries <i>including:</i></p> <ul style="list-style-type: none"> • the number of new local libraries and their specific location, design, build and fit out 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>Regional libraries <i>including:</i></p> <ul style="list-style-type: none"> • the mobile library and digital library services • libraries strategy and policy • 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>Local recreation facilities and initiatives <i>including:</i></p> <ul style="list-style-type: none"> • the number of new local recreation and sports facilities and their specific location, design, build and fit out 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>Regional recreation facilities and initiatives <i>including:</i></p> <ul style="list-style-type: none"> • any new recreational facilities developed for an Auckland-wide purpose or function • 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>Local parks <i>including:</i></p> <ul style="list-style-type: none"> • the number of new local parks and their specific location within budget parameters agreed with 	<p>Regional parks <i>including:</i></p> <ul style="list-style-type: none"> • any new parks acquired for an Auckland-wide purpose or function • regional open space strategy

	<p>the Governing Body</p> <ul style="list-style-type: none"> • 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. 	<p>and policy, including open space network plan and volcanic cones strategy</p> <ul style="list-style-type: none"> • reserve management plans for regional parks • the use of and activities within regional parks • coordination of the use of all sports fields on a regional basis • Open cemeteries.
	<p>Explanatory notes:</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 sports facilities and regional events facilities and amenities are the responsibility of Tātaki Auckland Unlimited Limited (formerly known as Auckland Unlimited Limited). These include the Viaduct Events Centre, stadium management, The EDGE, Auckland Zoo and the Auckland Art Gallery. • The decision-making of local boards in relation to local parks may be constrained where decisions relate to council stormwater management activities, including the stormwater network. • For the purposes of this allocation, parks includes land held under the Reserves Act 1977. 	
<p>Environmental management and Stormwater</p>	<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.
		<p>Stormwater management <i>including:</i></p> <ul style="list-style-type: none"> • the stormwater network, including catchment management plans,

		the Te Arai Drainage District, the Okahuhura Drainage Area and the Glorit Drainage District (located in Rodney Local Board)
<p>Explanatory note:</p> <ul style="list-style-type: none"> Local board input into regional environmental programmes is provided for at the programme approval stage. The prioritisation of projects within these regional programmes will be guided by the approved programme direction and ecological considerations. Where projects are to be delivered locally, local board input will be invited to ensure the projects are tailored to local circumstances. 		

Fees and charges	<p>Setting of fees and charges for local activities <i>excluding</i>:</p> <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. 	<p>Setting of fees and charges for regional activities <i>including</i>:</p> <ul style="list-style-type: none"> library collections fees and charges regional fees and charges for local activities that are set by the Governing Body in a regional policy
Service levels	Setting of service levels for local activities subject to any minimum service levels that the Governing Body has decided, for policy reasons, to set on an Auckland-wide basis.	Setting of service levels for regional activities and minimum service levels for local activities where the Governing Body decides to do so for policy reasons.
	<p>Explanatory notes:</p> <ul style="list-style-type: none"> Minimum service levels may be amended and approved by Governing Body as required and will be reported in each long-term plan and annual plan Proposed minimum service levels are attached as Schedule 3 Significant service level changes, including changes with material organisational impacts, would be adopted under Local Board Plans following public consultation. 	
Multi-board services	Service investment, operation, renewals and service levels in accordance with the governance approach for multi-board services determined by the Governing Body	Governance approach for multi-board services including classification of local multi-board services
Procurement	<p>Procurement for local activities <i>and</i>:</p> <ul style="list-style-type: none"> local service levels of major service delivery contracts as they relate to the local board area 	<p>Procurement for regional activities <i>and</i></p> <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>Explanatory notes:</p> <ul style="list-style-type: none"> The Governing Body procures some Auckland-wide contracts over local facilities and assets for great cost-efficiency than would be achieved on a local basis. Procurement of these types of contracts is undertaken in line with the Group Procurement Policy, and overseen by the Strategic Procurement Committee. Procurement for other local activities will remain a local board decision-making responsibility 	
Asset renewal and major upgrades	Maintaining service capacity and integrity of local assets throughout their useful life in accordance with Auckland-wide parameters and minimum service levels set by the Governing Body.	Maintaining the service capacity and integrity of regional assets throughout their useful life and setting Auckland-wide parameters, standards and minimum service levels for all asset management planning.
Other activities of Auckland Council		All other non-regulatory activities of Auckland Council
	<p>Explanatory note:</p> <ul style="list-style-type: none"> An assessment of the principles for allocating non-regulatory decisions set out in section 17 of the Local Government Auckland Council Act must be considered before applying this allocation 	

See full allocations of local council services and regionally delivered council services, and attachments to this policy, in the Auckland Council Annual Plan 2022 - 2023, Volume 2:

<https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/budget-plans/annual-budget-22-23/Documents/annual-budget-2022-2023-vol-2.pdf>

Appendix D: Members of the governing body

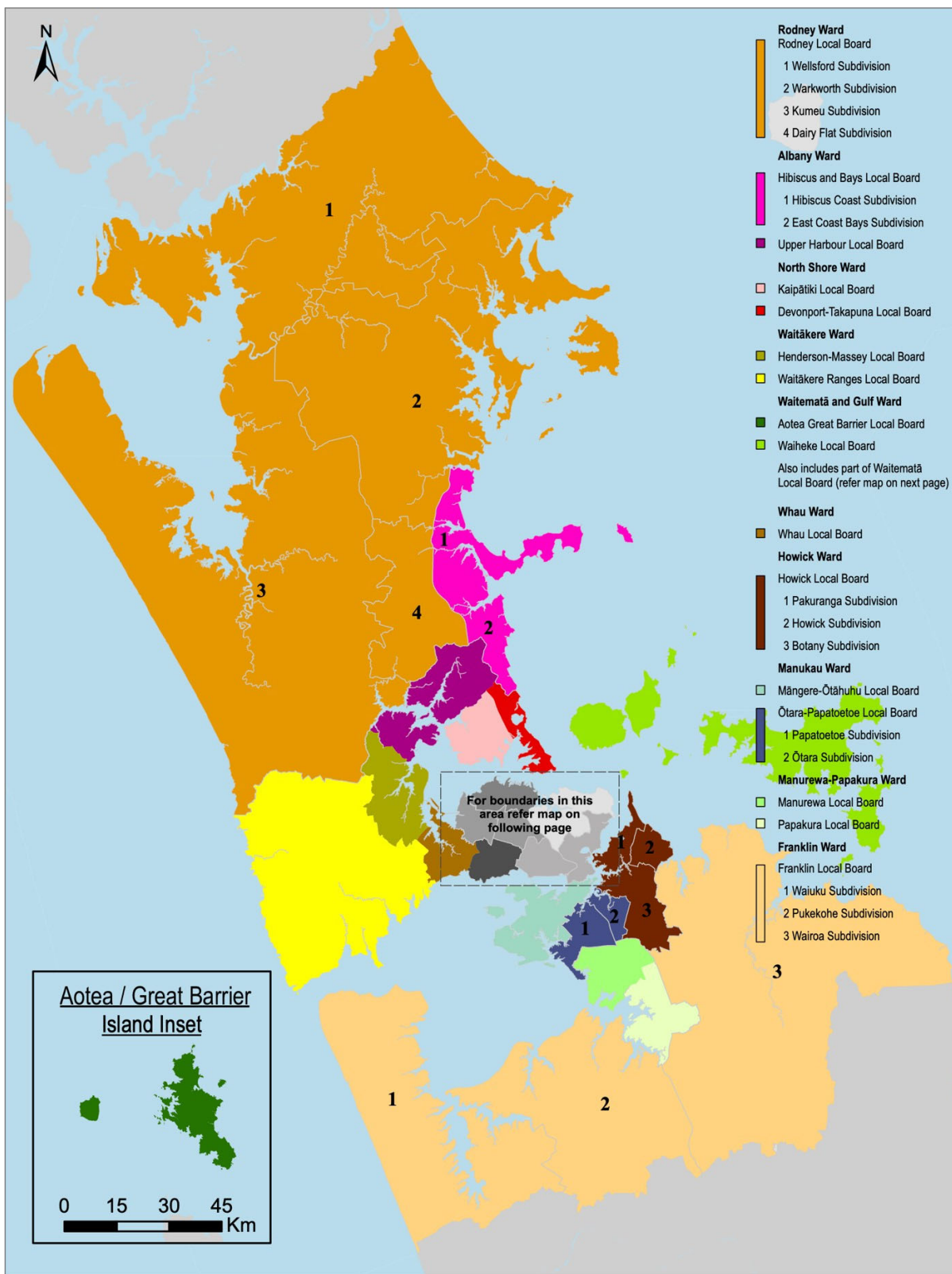
The governing body of the Auckland Council is made up of a mayor directly elected from across the whole of the Auckland region and 20 councillors elected from 13 wards. One or two members represent each of these wards.

Mayor of Auckland – Wayne Brown

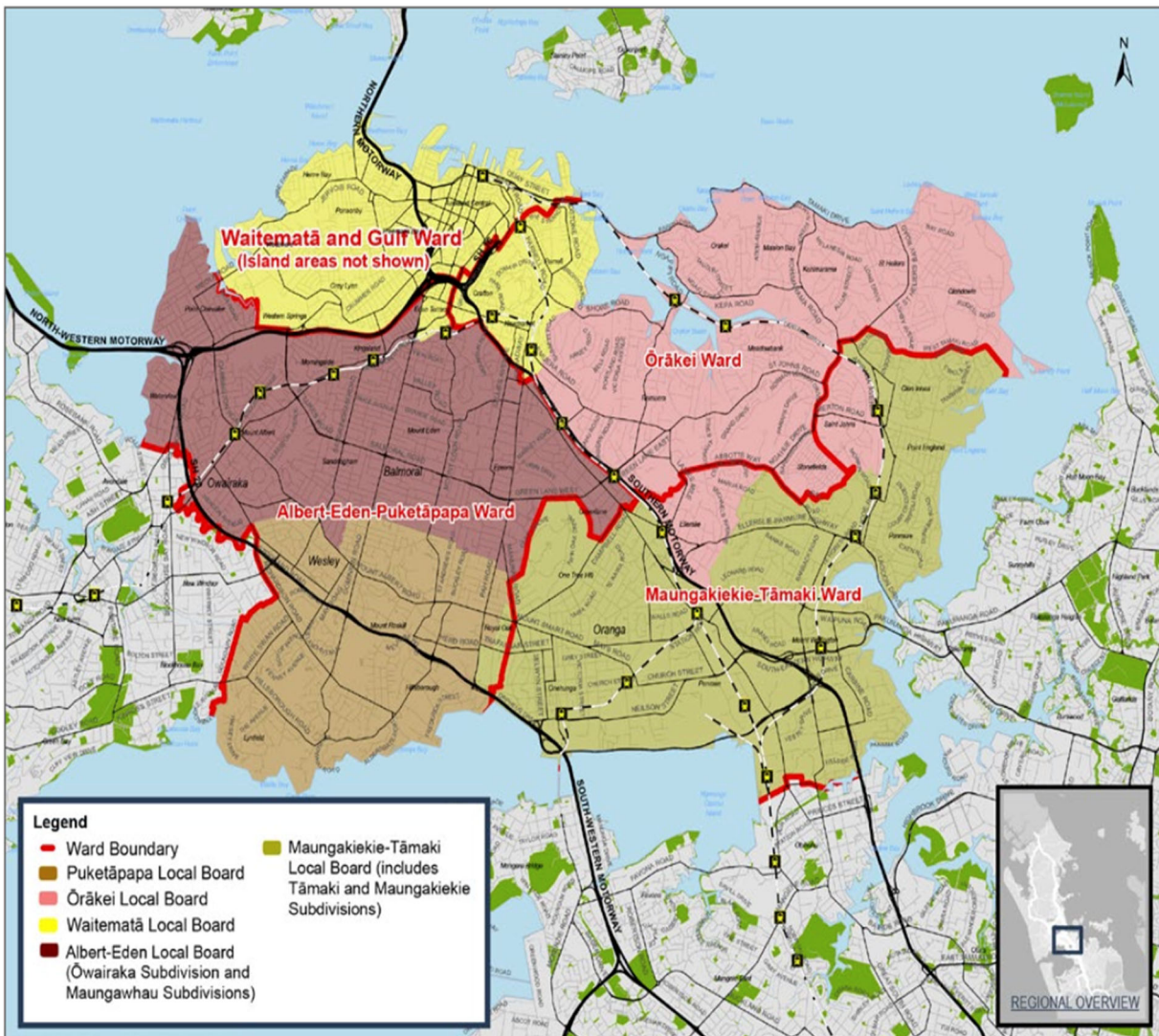
Councillors

Ward	No	Councillors 2022–2025
Albany	2	Wayne Walker, John Watson
Albert-Eden-Puketāpapa	2	Julie Fairey, Hon Christine Fletcher
Franklin	1	Andy Baker
Howick	2	Sharon Stewart, Hon Maurice Williamson
Manukau	2	Alf Filipaina, Lotu Fuli
Manurewa-Papakura	2	Angela Dalton, Daniel Newman
Maungakiekie-Tāmaki	1	Josephine Bartley
North Shore	2	Chris Darby, Richard Hills
Ōrākei	1	Desley Simpson
Rodney	1	Greg Sayers
Waitākere	2	Shane Henderson, Ken Turner
Waitematā and Gulf	1	Mike Lee
Whau	1	Kerrin Leone

Map of wards



Isthmus wards



Appendix E: Governing body committees

Committees of the whole of the Governing Body

Planning, Environment & Parks Committee	Transport & Infrastructure Committee	Emergency Committee
Chair: Cr Richard Hills Deputy: Cr Angela Dalton Members: Mayor & all councillors IMSB: Edward Ashby, Tau Henare	Chair: Cr John Watson Deputy: Cr Christine Fletcher Members: Mayor & all councillors IMSB: James Brown, Pongarauhine Renata	Chair: Mayor Wayne Brown Deputy: Cr Desley Simpson Members: All other councillors IMSB: Two members (Convened on an emergency temporary basis.)

Other committees⁶⁸

Civil Defence Emergency Management committee	Audit & Risk Committee	Council Controlled Organisation Direction and Oversight Committee
Chair: Cr Sharon Stewart Deputy: Cr Kerrin Leone Members: Cr Andy Baker, Cr Mike Lee, Cr Greg Sayers, Cr Ken Turner IMSB: James Brown, Pongarauhine Renata	Chair: Independent Deputy: Cr Lotu Fuli Members: Cr Julie Fairey, Cr Christine Fletcher, Cr Shane Henderson, Independent (2) IMSB: Tony Kaka (for relevant matters)	Chair: Cr Wayne Walker Deputy: Cr Shane Henderson Members: Cr Josephine Bartley, Cr Angela Dalton, Cr Chris Darby, Cr Richard Hills, Cr Daniel Newman, Cr Ken Turner, Cr John Watson, Cr Maurice Williamson IMSB: Tau Henare, James Brown
Expenditure Control and Procurement Committee	Performance and Appointments Committee	Ports of Auckland Limited Appointments Committee
Chair: Cr Maurice Williamson Deputy: Cr Greg Sayers Members: Cr Angela Dalton, Cr Julie Fairey, Cr Alf Filipaina, Cr Shane Henderson, Cr Mike Lee, Cr Daniel Newman IMSB: David Taipari, Tony Kake	Chair: Cr Daniel Newman Deputy: Cr Chris Darby Members: Mayor Wayne Brown, Cr Chris Fletcher, Cr Lotu Fuli, Cr Richard Hills, Cr Greg Sayers, Cr John Watson IMSB: David Taipari	Chair: Mayor Wayne Brown Members: Chair, Board of Ports of Auckland Limited Chief Executive of Auckland Council
Regulatory and Safety Committee	Auckland Domain Committee	Kaipara Moana Remediation Joint Committee
Chair: Cr Josephine Bartley Deputy: Cr Ken Turner Members: Cr Andy Baker, Cr Julie Fairey, Cr Alf Filipaina, Cr Kerrin Leoni, Cr Sharon Stewart, Cr Wayne Walker IMSB: Ed Ashby, Tony Kake	Chair: Cr Desley Simpson Deputy: Waitemātā Local Board Members: Cr Chris Fletcher, Cr Sharon Stewart Waitemātā Local Board (x2) IMSB: (x2)	Chair: Cr Desley Simpson Deputy: Waitemātā Local Board Members: Cr Chris Fletcher, Cr Sharon Stewart Waitemātā Local Board (x2) IMSB: (x2)

⁶⁸ Also the Hauraki Gulf Forum established under the Hauraki Gulf Marine Park Act 2000: Councillors Walker, Lee, Fletcher, Baker, Leoni

Appendix F: Members of local boards

There are 21 local boards with a total of 149 members.

Each of the 21 boards must, at all times, have no fewer than five and no more than 12 representatives. Some local boards have subdivisions (electoral area like wards) to enable more direct community representation.

Each local board elects a chair and deputy chair from its members⁶⁹.

Local board (with subdivisions if they exist)		No.	Local board members 2022-2025
Albert-Eden	Maungawhau Subdivision	4	Kendyl Smith (Deputy Chair) Jack Tan Jose Fowler Rex Smith
	Owairaka Subdivision	4	Margi Watson (Chair) Julia Maskill Christina Robertson Liv Roe
Aotea / Great Barrier		5	Izzy Fordham (Chair) Neil Sanderson Patrick O'Shea (Deputy Chair) Chris Ollivier VACANT
Devonport-Takapuna		6	George Wood Toni van Tonder (Chair) Terence Harpur (Deputy Chair) Melissa Powell Peter Allen Gavin Busch
Franklin	Pukekohe Subdivision	4	Alan Cole (Deputy Chair) Logan Soole Andrew Kay Amanda Kinzett
	Wairoa Subdivision	3	Malcolm Bell Angela Fulljames (Chair) Amanda Hopkins
	Waiuku Subdivision	2	Sharlene Druyven Gary Holmes
Henderson-Massey		8	Chris Carter (Chair) Oscar Kightley Brenda Brady

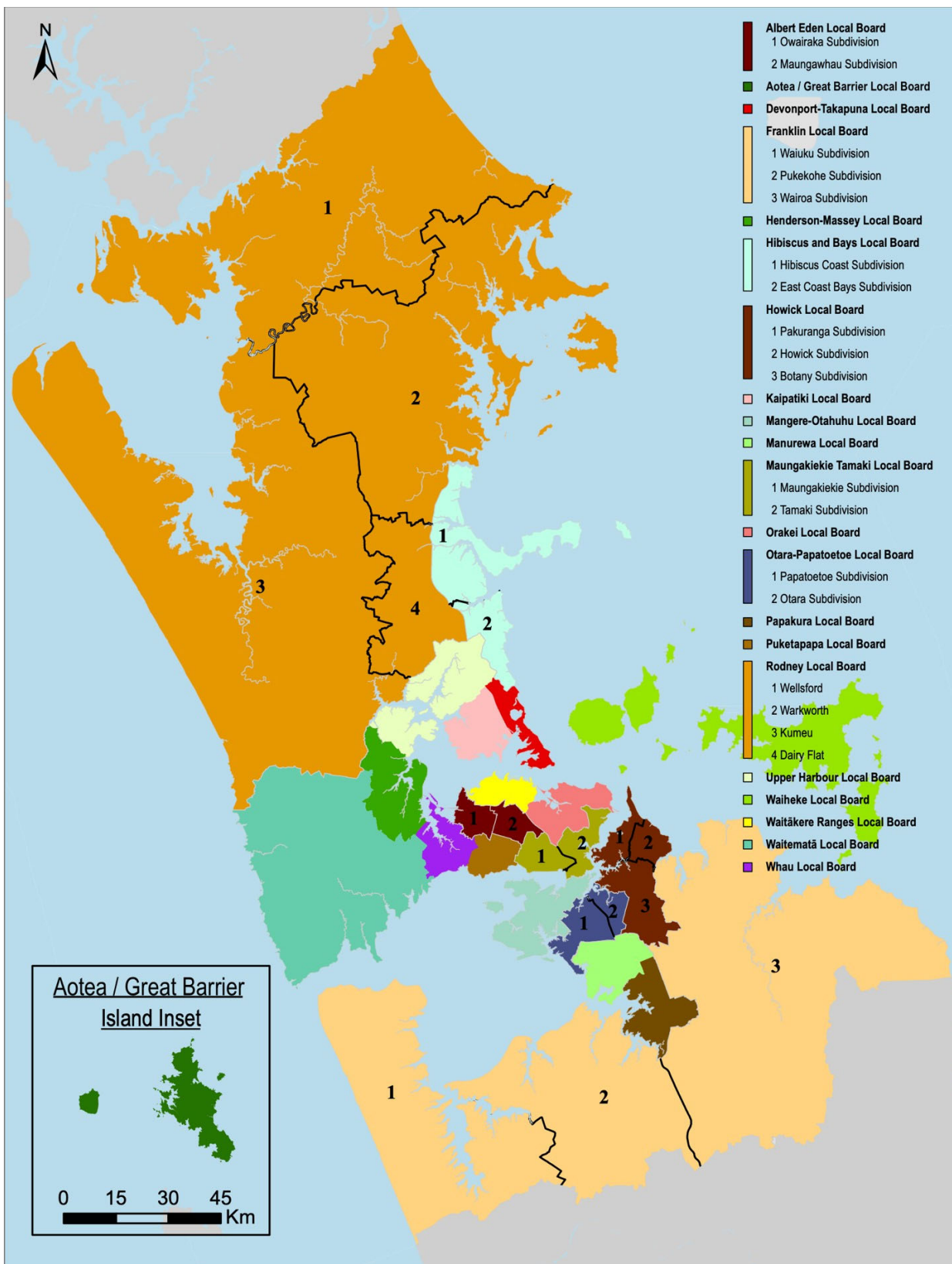
⁶⁹ Some local boards appoint chairs to fixed periods within the three-year electoral term instead of appointing a chair for the full term. Where office holders change during the term, this information will be updated accordingly.

			Ingrid Papau Peter Chan Will Flavell Brooke Loader (Deputy Chair) Dan Collins
Hibiscus and Bays	East Coast Bays Subdivision	4	Alexis Poppelbaum Julia Parfitt (Deputy Chair) Victoria Short Gregg Walden
	Hibiscus Coast Subdivision	4	Gary Brown (Chair) Leanne Willis Sam Mills Jake Law
Howick	Botany Subdivision	3	Mike Turinsky Damian Light (Chair) Peter Young
	Howick Subdivision	3	John Spiller Bo Burns (Deputy Chair) Adele White
	Pakuranga Subdivision	3	Bruce Kendall Katrina Bungard David Collings
Kaipātiki		8	John Gillon (Chair) Danielle Grant (Deputy Chair) Paula Gillon Melanie Kenrick Adrian Tyler Janet Tupou Erica Hannam Tim Spring
Māngere-Ōtāhuhu		7	Harry Fatu Toleafoa (Deputy Chair) Tauanu'u Nick Bakulich (Chair) Joe Glassie-Rasmussen Christine O'Brien Makalita Kolo Papaliitele Lafulafu Peo Togiatolu Walter Togiamua
Manurewa		8	Rangi McLean Joseph Allan Matt Winiata (Deputy Chair) Glenn Murphy (Chair) Andrew Lesa Angela Cunningham-Marino Anne Candy Heather Andrew

Maungakiekie-Tāmaki	Maungakiekie Subdivision	3	Don Allan Debbie Burrows (Deputy Chair) Tony Woodcock
	Tāmaki Subdivision	4	Maria Meredith (Chair) Nerissa Henry Chris Makoare Peter McGlashan
Ōrākei		7	Troy Churton David Wong Scott Milne (Chair) Penny Tucker Sarah Powrie (Deputy Chair) Margaret Voyce Angus McPhee
Ōtara- Papatoetoe	Ōtara Subdivision	3	Apulu Reece Autagavaia (Chair) Swanie Nelson Topou Folau
	Papatoetoe Subdivision	4	Ofa Dewes (Deputy Chair) Albert Lim Vi Hausia Ashraf Choudhary
Papakura		6	Brent Catchpole (Chair) Jan Robinson (Deputy Chair) Andrew Webster George Hawkins Felicity Auva'a Kelvin Hieatt
Puketāpapa		6	Ella Kumar (Chair) Roseanne Hay Fiona Lai (Deputy Chair) Jon Turner Bobby Shen Mark Pervan
Rodney	Dairy Flat Subdivision	1	Louise Johnston (Deputy Chair)
	Kumeū Subdivision	4	Geoff Upton Guy Wishart Brent Bailey (Chair) Mark Dennis
	Warkworth Subdivision	3	Tim Holdgate Ivan Wagstaff Michelle Carmichael
	Wellsford Subdivision	1	Colin Smith

Upper Harbour	6	Anna Atkinson (Chair) Uzra Casuri Balouch (Deputy Chair) Kyle Parker John Mclean Sylvia Yang Callum Blair
Waiheke	5	Cath Handley (Chair) Kylee Matthews Robin Tucker Bianca Ranson (Deputy Chair) Paul Walden
Waitākere Ranges	6	Sandra Coney Michelle Clayton (Deputy Chair) Liz Manely Greg Presland (Chair) Linda Potauaine Mark Allen
Waitematā	7	Alexandra Bonham Sarah Trotman Anahera Rawiri Richard Northey Genevieve Sage (Chair) Allan Matson Greg Moyle (Deputy Chair)
Whau	7	Catherine Farmer Fasitua Amosa (Deputy Chair) Warren Piper Sarah Paterson-Hamlin Kay Thomas (Chair) Susan Zhu Ross Clow

Local boards map



Appendix G: Local board committees

Some local boards have created committees as follows:

Local board	Committee
Papakura	Pukekiwiriki Paa Joint Management Committee
Waiheke	Rangihoua Sports Park Management Plan Committee
	Waiheke Transport Forum

Joint Committees

Local Board Joint Committee	Local Boards
<p>Manukau Harbour Forum</p> <p>As a local board joint committee the forum can make decisions and provide direction to officers without seeking confirmation and/or ratification from the individual member boards.</p>	<p>Franklin Māngere-Ōtāhuhu Manurewa Maungakiekie-Tāmaki Ōtara-Papatoetoe Papakura Puketāpapa Waitākere Ranges Whau</p>
<p>Auckland Domain Committee</p>	<p>Waitemata Local Board jointly with Governing Body</p>
<p>Social Impact Fund Allocation Committee Appointments Committee</p>	<p>Māngere-Ōtāhuhu Ōtara-Papatoetoe Manurewa Papakura</p>

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