

**AGENDA SUPPLEMENT TO A MEETING OF THE COUNCIL TO BE HELD AT WAITAKERE
CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON, WAITAKERE,
ON WEDNESDAY, 27 JUNE 2007, COMMENCING AT 5.30 PM**

12 STRENGTHENING AUCKLAND'S REGIONAL GOVERNANCE

PURPOSE OF THE REPORT

To adopt, with any modifications agreed, the joint regional recommendations on the Final Report on Strengthening Auckland's Regional Governance, June 2007

BACKGROUND

~~A5-A10~~ The Council last considered this matter at the City Development Committee on 7 June 2007. The minutes of that meeting are attached as pages A5 to A10.

Since that time the matters raised have been considered by the Chief Executives' Forum, council officers and government representatives and have resulted in this final report, and the agreed recommendations to all Councils included in this report.

The report that follows is being considered, with minor alterations in each case by each of the Councils in the Region before the end of June. It encourages Councils to make any differences of opinion points for negotiation by the Political Reference Group rather than points of dissent.

SUMMARY AND CONCLUSIONS

In December 2006 a proposal for strengthening Auckland's Regional Governance was broadly endorsed by all Councils and forwarded to the Minister of Local Government, the Honourable Mark Burton. While Councils supported the thrust of the proposal, their support was subject to various caveats in their resolutions.

Following consideration of the proposal by Cabinet, the Government formally responded through the Honourable Mark Burton in March 2007.

Further work was undertaken jointly by central and local government officials to develop the proposal and the Auckland Councils and Cabinet considered a progress report in May and early June. This provided a basis for Councils and Cabinet to provide further feedback.

~~A11-A35~~ The attached Final Report (June 2007) attached at pages A11 to A35 outlines a proposed model for strengthening Auckland's regional governance that has been developed following consideration of all the feedback from Councils and Government on the May Progress Report. The model is an attempt to draw together a way forward to make progress in strengthening regional governance and in particular to get a mandate for implementation.

The model for strengthening regional governance presented in the Final Report provides a pragmatic way forward that takes account of feedback from each Council and central Government on the Progress Report. In order to progress this model it is desirable for Auckland local government to present a common approach as far as possible. A common set of recommendations has been prepared for consideration by all the Auckland Councils. As some elements may differ from Waitakere City Council's stated preferences it is expected that where Waitakere Council continues to have specific areas of difference to the proposal it is desirable that these are identified as a basis for further negotiation.

The Government's willingness and ability to progress this initiative will, in large measure, be influenced by the degree of consensus achieved by the Auckland Councils.

DISCUSSION ON REPORT

Background

A11-A67

The Final Report (June 2007) attached at pages A11 to A35 outlines a proposed model for strengthening Auckland's regional governance that has been developed following consideration of feedback from Councils and Government on the May Progress Report attached at pages A36 to A67. The model is an attempt to draw together a way forward to make progress in strengthening regional governance.

Issues

There are a number of issues that the new model raises for local government that follow from the emphases of the Auckland Councils' December proposal and these have been addressed in the drafting of the attached report and the recommendations set out below.

The Level of Agreement and an Approach to the Final Report

The model for strengthening regional governance presented in the Final Report provides a pragmatic way forward that takes account of feedback from a Council and central Government on the Progress Report. In order to progress this package of reforms it is desirable for Auckland local government to present a common approach as far as possible. Where a Council continues to have specific areas of difference it is desirable that these are identified as a basis for further negotiation.

Outstanding areas of significant difference for Waitakere City Council to note and confirm are:

- The name ("Greater Auckland")
- The frequency with which the RSDF meets with Ministers (is "periodically" sufficient guidance?)
- Regional Council role in local landuse policy (is the expression "undue influence" correctly pitched?)
- Consultation - Does this proposal warrant further public consultation, other than with respect to "new" regional facilities? The Council has previously called for at least eight weeks specific consultation on the proposal emerging from this process.
- Is the process for approving One Plan satisfactory? (Should any change made by the Regional Council be subject to negotiated funding commitments?).

Should Council wish to note any of these matters, it is recommended that these be couched as minor matters for negotiation, rather than as fatal disagreement with the proposal.

However, subject to support from Councils and central Government the proposal is now at a stage where the emphasis and focus needs to move to implementation. There is now a strong level of agreement on the key elements of the proposal which makes it highly desirable for the Auckland Councils to agree on a clear and workable package, albeit that some individual positions are not fully represented in the package. This will enable future directions to be signalled to local government candidates and electors in advance of the October local government elections and for officers to plan and undertake implementation.

Regional Council Name and Representation

The Final Report proposes that the strengthened regional council will have a new name, "Greater Auckland", to reflect its new expanded role, to signal a change from the past and to better distinguish it from the Auckland City Council.

The Final Report has now clarified that there are no changes to representation recommended for the strengthened regional council at present, due to the impending Local Government election in October 2007. However, it is proposed that there be a review of existing constraints on regional council representation in Auckland. This would include examining what flexibility may be desirable to facilitate future representation choices, for example membership numbers, types of constituencies and the selection method for the leader of the regional council. It is proposed that the Minister of Local Government refer this issue to the Local Government Commission to report and make recommendations on as a matter of priority.

Strategic Framework and the One Plan

Regionally Significant Decisions Already Made (Bankable items) and the role of the Auckland Sustainability Framework

The development of the One Plan will draw on regionally significant work already committed or already being planned or prioritised. The Auckland Sustainability Framework (the output from the Sustaining the Auckland Region Together or START work) will provide the vision, goals and strategic direction for the region and will form the long-term strategic frame that encompasses the four well-beings and a sustainable development approach. In addition, existing strategies such as the Regional Growth Strategy, Regional Land Transport Strategy, and the Auckland Regional Economic Development Strategy already have agreed some actions that will provide the elements of the One Plan. Emerging issues such as those arising from energy and social and cultural wellbeing would be added over time. This approach allows the regionally significant work already committed by Councils of the region, to be 'banked' or included in the One Plan.

Issues for Transport and Water

Proposed changes in legislation to allow the Regional Land Transport Strategy to include major projects and priorities are consistent with the proposed direction of change in the next steps in the Land Transport Sector Review and will be best implemented in that context.

There is also broad support for amending existing legislation to transfer to Greater Auckland the responsibility for appointing directors to the Auckland Regional Transport Authority Board.

With respect to three waters, the report proposes that the status quo will remain for Watercare. The report also notes the work will continue on the three waters strategy and that work will continue over time to investigate the merits of legislative amendments relating to the ability of the owners of Watercare Services Limited to operate it within the general legislative model of a CCO.

Funding

The work leading up to the December package stated the view that Councils unanimously endorsed funding as one of the strategic issues facing the region. The December report stated:

"a failure to allocate sufficient funding to transport, economic development, stormwater and regional facilities has been highlighted as a key problem inextricably linked with the performance of the current governance arrangements"

The Government, in its letter from Honourable Mark Burton (June 2006), does recognise that funding is a significant regional issue and is committed to considering the outcomes of the Rating Inquiry in relation to the particular needs and circumstances of the Auckland region and considering business cases. However, Government expects both local and central government to commit new and/or reprioritised funding to One Plan projects.

The Final Report acknowledges the likely need to supplement existing funding and proposes a process whereby the Auckland Councils will identify the funding gaps and explore options. It is proposed that this work not commence until the report on the Rating Enquiry (expected shortly) is assessed. The Government will engage with the Auckland Councils in this assessment and will also discuss how it will engage with Councils in the further analysis of funding needs.

The need for this work to coincide with the timing of work finalising transfer of responsibilities to Greater Auckland is acknowledged.

The report also proposes that the Government will work with the Auckland Councils to develop business cases for specific major regional projects that have been identified and prioritised in the development of the One Plan and will develop funding proposals for such projects.

Composition of RSDF: Central government and Mana Whenua participation

With respect to the relationship of the Regional Sustainable Development Forum (RSDF) with central Government the proposed model outlined in the report provides for central Government to contribute to the RSDF with full speaking rights but not voting rights, with up to three participants with the right to speak. It is proposed that Ministers would meet with the RSDF periodically. These meetings would allow discussion of the key issues and provide a framework for the ensuing work of the RSDF. For the proposed model to succeed, it is imperative that the Government commits as strongly as possible to engaging with the region at a sufficiently senior level both at a Ministerial and official level and on an appropriately frequent basis.

The Final Report also provides for Mana Whenua representative(s) as participants in the RSDF. The mechanisms by which Mana Whenua participate and contribute to the RSDF will be developed in conjunction with them over the coming months.

Clarification of Regional Council Role in local land use policy

The Final Report notes the issue raised in Council resolutions about the need to clarify the role of the strengthened regional council to ensure it does not exert undue influence in matters of local land use policy where district plans and sector agreements are consistent with the Regional Growth Strategy. It is proposed that this be addressed by the Regional Sustainable Development Forum as part of the development of the One Plan. There is a need to ensure local accountability within an appropriate level of regional overview.

Existing Regional Fora

The extent to which the priorities in the one plan require the retention of existing fora will vary. Whether they can be dispensed with will in the interim at least be subject to existing legislation constituting some bodies, and the extent to which all the responsibilities of each body could be undertaken by the RSDF.

Detailed implementation issues

Consultation

The establishment of the Regional Sustainable Development Forum (RSDF) is within the scope of the current powers of the Auckland Regional Council to establish standing committees and the development of a One Plan is based on agreement among all councils of the Auckland region. The exercise of this power does not represent a significant decision as defined by the Local Government Act and therefore is unlikely to require specific public consultation. It should be noted however, that each of the Auckland Councils sought feedback on the December package as part of their 2007-2008 Annual Plan processes. The overall package has not changed substantively and this latest report provides further detail to assist in its implementation.

It is envisaged that the draft One Plan and any transfer of functions from local councils to the regional council (that will need to align with the decisions and associated legislation), will be subject to the special consultative procedure as specified in the Local Government Act prior to its adoption by the regional council. This is in addition to existing Long Term Council Community Plan (LTCCP) consultation requirements in respect of any specific One Plan actions for which an individual council takes account of in allocating resources. It should also be noted that consultation on the Auckland Sustainability Framework was undertaken in March-April 2007 and feedback has been taken into account.

Any necessary legislative changes to implement the model for strengthening regional governance would also be subject to their own prescribed consultation processes.

Implementation timeframes

There are a number of key actions identified in the report to enable the first steps of implementation before and after the October local government elections. The timing for implementing actions takes account of the guidelines regarding Councils making significant decisions in the last weeks of a council term and allows time for new Councils to become established and commence work.

Phases of transition

Implementation of the model will occur progressively. Initial measures towards establishing the key components such as the Regional Sustainable Development Forum (RSDF) and first steps towards developing a One Plan will be undertaken prior to the October 2007 Local government elections. The ongoing development of the One Plan will need to be timed to allow agreed actions to be incorporated in the 2009-2019 Long Term Council Community Plans.

RECOMMENDATIONS

1. That the Strengthening Auckland's Regional Governance report be received.
2. That Waitakere City Council:
 1. **Note** that the model has been developed, taking into account all the feedback from both local and central Government to improving regional governance.
 2. **Note** that the December proposal for "Strengthening Auckland's Regional Governance" proposed:

- i) An appropriately mandated and accountable strengthened regional council able to engage with central Government on regionally significant matters
 - ii) That the strengthened regional council is appropriately funded
 - iii) The creation of a regional forum of all the local authorities and central government to ensure prioritisation, agreement and coordination of regionally significant activities and funding across the region
 - iv) Central Government aligning more closely its national strategies and policies with regional strategies and its funding with regionally agreed priorities.
3. **Note** the central Government's feedback set out in the letter from the Minister of Local Government to the Auckland Mayors and Chief Executives dated 7 June 2007.
4. **Note** that in particular, the central Government recognises that funding is a significant regional issue and is committed to:
- a) continuing dialogue seeking enduring solutions that are consistent with accountability arrangements and the financial management principles in the Local Government Act 2002
 - b) considering the outcomes of the Rating Inquiry in relation to the particular needs and circumstance of the Auckland region
 - c) considering any new business case for new regional funding mechanisms.
5. **Note** that there are no changes to representation recommended for the strengthened regional council at present, due to the impending Local Government election in October 2007, but note the central Government's indication of the desirability of providing flexibility to allow future community choices in relation to representation arrangements on the GAC, including the issue of appointed or elected leadership of the Council,

Proposed Model for "Strengthening Auckland's Regional Governance"

6. **Agrees** to the proposed model for strengthening regional governance as described in the Final Report dated June 2007, which includes the following elements:
- i) A strengthened regional Council with the overall role to exercise responsibility for regionally significant issues associated with the social, cultural, economic and environmental wellbeing of the region and adopting a sustainable development approach to its functions including:
 - a) the current functions of the Auckland Regional Council (ARC);
 - b) advocacy to, and negotiation of implementation agreements with, central government on regional priorities across all the dimensions of the four well beings;
 - c) convenor of and provider of secretariat support for the RSDF;
 - d) to adopt the One Plan for the Auckland region on the recommendation of the RSDF;
 - e) guardian of the One Plan to facilitate and support its implementation by relevant parties;

- f) implement One Plan decisions for which it has direct responsibility;
 - g) facilitate agreements for funding and implementation of One Plan decisions agreed to by other parties to the One Plan;
 - h) monitor and report on progress with implementation of One Plan decisions;
 - i) regional economic development; tourism promotion and regionally significant (major) events management;
 - j) facilities and amenities that contribute to regional community well-being, including the funding of services provided by regional organisations; and
 - k) assess the need for and establish, if necessary, an agency to undertake urban development or renewal projects required to advance One Plan objectives; and
 - l) Subject to further work, (yet to be completed) and the preparation of business cases the strengthened regional council would have available to it new/additional funding tools to undertake its new role.
- ii) The strengthened regional council will have a new name, *Greater Auckland*, to reflect its new expanded role, to signal a change from the past and to better distinguish it from the Auckland City Council.
- iii) Establishment of a Regional Sustainable Development Forum (RSDF) as a standing committee of Greater Auckland responsible for developing a One Plan including developing the vision and outcomes sought for the region, including specifying the priorities and funding envelopes/parameters that parties are prepared to commit to the agreed priority regional strategies; with membership of the Regional Sustainable Development Forum being for:
- a) local authority representation to consist of two members from each of the City Councils, one from each of the District Councils and four from the regional council, with each council to decide its own RSDF members and alternates for those members, noting that this form of representation provide some recognition of proportionality
 - b) central Government to contribute to the Regional Sustainable Development Forum with full speaking rights but not voting rights, with up to three participants with the right to speak
 - c) Ministers to meet with RSDF periodically to allow discussion of the key issues and provide a framework for the ensuing work of the RSDF.
 - d) Mana Whenua representative(s) as participants in the RSDF with mechanisms by which they will participate to be developed in conjunction with them over the coming months
 - e) the Chair of the Regional Sustainable Development Forum to be appointed by Greater Auckland it being envisaged that this will follow consultation with members of the Regional Sustainable Development Forum

- f) the Regional Sustainable Development Forum to endeavour to make decisions by consensus in the first instance and where consensus is unable to be reached, that voting be by simple majority vote of those present (i.e. no proxies) with each representative having one vote.
- iv) Development, by the Regional Sustainable Development Forum, of a One Plan for Auckland, which will promote social, cultural economic and environmental wellbeings, and where the One Plan and its component strategies will:
 - a) include the strategic vision for the region articulated in the Auckland Sustainability Framework and have a 50 years + time horizon
 - b) have a prioritised set of projects/programmes of regionally significant scale, and funding and implementation parameters over a ten-year period
 - c) be developed under a progressive approach, whereby its scope and breadth of actions is expanded over time
 - d) be taken into account when Government makes significant decisions impacting on the Auckland region.
 - v) The One Plan to be implemented through the following:
 - a) binding funding and implementation agreements between parties for particular projects/programmes
 - b) all Councils will be required to show One Plan commitments in Long-Term Council Community Plans and publicly report progress towards meeting those commitments
 - c) inclusion of agreed One Plan commitments in the statement of intent of relevant council controlled organisations and Crown agencies
 - d) sanctions could include moral persuasion, peer pressure, financial penalties, exclusion from benefits of participation in other regional programmes, and mechanisms to ensure transparency and accountability
 - e) Greater Auckland, as guardian of the One Plan, will be responsible for facilitating contracts between other parties to the One Plan as necessary, and will also negotiate funding and implementation agreements with central Government to support agreed decisions in the One Plan.
- vi) Greater Auckland will have the choice to adopt the One Plan as recommended by the Regional Sustainable Development Forum or refer it back (in full or in part) to the Forum, but if agreement is not reached on specific aspects at the second attempt then Greater Auckland can amend those aspects of the plan
- vii) That with regard to the priority function areas:

Funding

- a) The Auckland Councils, led by *Greater Auckland* will work together to:
- identify funding required for specific regional initiatives/services to meet the future needs of the region and achieve a step up in Auckland's performance
 - fully optimise their respective rating bases and other existing funding lines
 - identify the gap between current funding available and future needs
 - explore options for additional funding and develop business cases to support any specific additional funding mechanisms necessary to meet requirements.
- b) That work will commence after an assessment of the report of the Rating Enquiry and the Government will engage with Auckland Councils in this assessment including discussing how it will engage with the work outlined in (a) above.
- c) The Government will work with the Auckland Councils to develop business cases for specific major regional projects that have been identified and prioritised in the development of the One Plan and will develop funding proposals for such projects. Detailed funding arrangements for specific priorities identified in the One Plan will form part of implementation discussions between relevant parties, which may include Government.

Three Waters

- d) The current arrangements for water services, with respect to Watercare Services Ltd (WSL) will continue.
- e) Existing Three Waters strategy work will be continued with a view to achieving a more optimal alignment between the planning of, funding for and delivery of water, wastewater and stormwater infrastructure and services.
- f) The Auckland Councils and central Government will continue to investigate the merits of legislative amendments relating to the ability of the owners of WSL to operate it within the general legislative model of a Council Controlled Organisation (CCO).

Transport

- g) Legislation will be amended with a view to:
- The Auckland Regional Land Transport Strategy (RLTS) being enabled to include major projects and priorities;
 - Responsibility for the appointment of directors to the Auckland Regional Transport Authority being transferred to Greater Auckland.

Regional Facilities

- h) Greater Auckland to assume ownership and/or funding responsibility for existing facilities of a primarily regional nature, including the Auckland War Memorial and Transport Museums, and those facilities and services requiring regional funding; with any transfer of ownership and/or funding subject to a process of negotiation and agreement between parties. The starting point for the process would be the proposed 'Auckland Regional Amenities Bill' promoted by eleven region organisations and supported by Auckland City Council. Transfers will be contingent on:
- identifying a transparent process for the identification of the reduced rating requirements by relevant territorial authorities as a result of the transfer of functions
 - identification of additional regional funding sources to support both existing and new facilities
 - certainty (possibly through legislation) about the funding obligations and mechanisms that are to operate within the region.

Economic Development, Tourism and Major Events

- i) Auckland Plus, the regional economic development agency to assume a more active role in economic development initiatives within the region, as well as assuming responsibility for regional tourism and events management
- j) The option of Auckland Plus also coordinating, and allocating Government funding to local economic development agencies to be further investigated.
- k) Greater Auckland, in consultation with other parties as appropriate, investigate the feasibility of and need for a regional agency to undertake urban development or renewal projects required to advance One Plan objectives.

Shared Services

- l) The Councils of the Auckland Region to actively identify and pursue opportunities to secure efficiencies through a more integrated approach to service provision. The work would build upon that already underway in the region, and draw on the results of the study planned by Auckland and Manukau City Councils.

Other

- m) Other issues of regional significance, including issues about the regional governance of the Auckland Civil Defence and Emergency Management group, and the relationship between regional and local land use policy require further consideration.
- n) The One Plan and Regional Sustainability Framework processes, together with the investigation of shared services, envisaged by the proposal create an opportunity for these issues to be explored further and resolved within the context of long-term regional strategic planning.

7. **Note** that the current powers and roles of community boards will be retained.

Implementation

8. **Agree** to implementation of the model and the implementation steps as described in the report and set out below:

(a) Auckland Councils

- As early as possible but no later than 31 August 2007, reach and sign agreement, building on councils' resolutions, concerning:
 - the interim membership and operation of the Regional Sustainable Development Forum,
 - the scope and effect of the One Plan,
 - the process and timetable for development of the interim One Plan; and
 - how One Plan commitments will be reflected in council planning and accountability documents.
- By December 2007, reach agreement with the Mana Whenua Forum concerning how they will engage with and contribute to the development of the One Plan by the Regional Sustainable Development Forum.
- By December 2007, reach agreement (in consultation with Ministry of Economic Development, NZ Trade & Enterprise and Tourism NZ) concerning the enhanced responsibility of *Greater Auckland* including funding streams for economic development, tourism promotion and the promotion of major events. Implementation on 1 July 2008.
- In consultation with the promoting organisations, amend the draft "Auckland Regional Amenities Bill" supported by Auckland City Council to reflect the agreed transfer of responsibilities to *Greater Auckland*, and promote for enactment as early as possible.
- By March 2008, initiate an agreed joint process to identify, develop and implement initiatives to secure efficiencies through shared service provision.
- By 30 September 2007 agree to a terms of reference for the work to be undertaken concerning the funding issues identified earlier in this report.

(b) Auckland Regional Council

- By 31 October 2007, investigate and determine in consultation with Government and other Auckland councils, the potential and desirability of promoting urgent legislative change to strengthen regional governance in the form of a Local Bill.
- No later than 31 January 2008, change the operating name of the council as agreed in the proposal and determine, in consultation with Government and other Auckland councils, the desirability and urgency of changing the legal name of the regional council;

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- No later than 31 January 2008, reach agreement, with all Auckland territorial authorities relating to the transfer of ownership and/or funding responsibilities for existing regional facilities and services, in a way that transparently transfers funding responsibility and capacity to the regional entity. Implementation on 1 July 2008.
- By 28 February 2008, appoint the RSDF as a committee of the council in line with the agreement with all councils, and convene the first meeting;

(c) Joint Council/Govt officials

- By 31 October 2007, investigate and report on the consequences of delayed legislative recognition of the One Plan concept;
- By 30 June 2008, obtain council and Government agreement to a process and criteria for analysing proposals for major new facilities within the region that may contribute to national as well as regional outcomes;

(d) Government

By 31 July confirm that Government will:

- actively contribute to the development of the One Plan, initially through:
- periodic meetings between relevant Ministers and the Regional Sustainable Development Forum;
- active attendance by up to three senior officials at meetings of the Regional Sustainable Development Forum;
- active engagement by Government officials with Auckland council officials in supporting the development of the One Plan
- Recognise the significance of the One Plan and give it careful consideration when Government makes significant decisions impacting on the Auckland region;
- Be prepared to engage in discussions with *Greater Auckland* on how specific priorities in the One Plan might be achieved including possible alignment of strategies and/or delivery, and options for funding;
- Consider any business cases for new regional funding mechanisms submitted by *Greater Auckland*;
- Refer the issue of the desirability of greater flexibility for future reviews of regional representation arrangements within Auckland to the Local Government Commission to report and make recommendations, as a matter of priority;
- Utilise the RSDF as a mechanism for engagement between Ministers and the Auckland Region;
- Continue to improve the coordination and integration of Government interests in respect of Auckland as a basis for future engagement with the RSDF;

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- Include in any legislation to implement decisions resulting from the 'Next Steps in the Land Transport Sector' Review authority for the Auckland Regional Land Transport Strategy to identify major projects and priorities;
 - Enact legislation to repeal the special ARTA appointment process at the earliest opportunity.
 - Initiate discussions with Auckland councils in developing a response to the findings from the Local Authority Rating Inquiry (Inquiry report due end July 2007).
9. Note the need for and scope of any further consultation on the proposed model for strengthening regional governance will be determined once the proposal becomes definitive in July, following consideration by central Government.
10. **Agree** that the Political Reference Group be empowered to conduct ongoing discussions with Government ministers as to the refinement and implementation of the final proposal; and that the details of the proposal will be presented to Councils for their ratification in the form of an agreement among the Auckland Councils signed before 31 August 2007.

Report prepared by: Graeme Campbell, Director: Strategic Planning and Ross McLeod,
Director: Corporate & Civic Services



2A STRENGTHENING AUCKLAND'S REGIONAL GOVERNANCE

- 10.17 am Crs Battersby and Lawley returned to the meeting.
- 10.47 am Cr Dailow entered the meeting.

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MOVED by Cr Clews, seconded Cr Battersby:

1. That Council adopts the workshop recommendations as amended by this meeting relating to the proposed package to strengthen Auckland's Regional Governance as follows:
 1. That the Council acknowledges and confirms the essence of the problem statement agreed at the outset of the project, and in particular the need for improved arrangements for the region to effectively partner with and negotiate with central government in order to achieve international competitiveness as a city-region, and manage long-term development more sustainably.
 2. That the Council acknowledges that the proposals for reform constitute a start on a process of evolutionary (rather than sudden) change to address these issues, but notes that further and wider reforms may be desirable in the medium term.
 3. That Waitakere continues to support the proposals outlined in December 2006, and refined in the report of 16 May 2007. In order to advance and consolidate those proposals, Waitakere resolves to respond to the specific issues raised as follows:
 - (a) **GAC/ARC**

Recommend status quo

 - The **name** Auckland Regional Council should be retained
 - The **role** of the ARC should remain unchanged other than as a result of changes agreed in this process
 - The **leader** should continue to be appointed by members
 - The **membership** should remain as at present – 13 councillors elected across 8 constituencies aligned to TA boundaries.


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(b) Regional Sustainable Development Forum (RSDF)

Recommend that the RSDF is the key new institutional mechanism for achieving agreement and collective responsibility at local, regional and national level for the development programme for the region.

- The RSDF should be constituted as a standing committee of the ARC, using the provisions of sections 37SE - 37SH of the LGA74 in the first instance, if appropriate.
- The key function of the RSDF should be to prepare and recommend to the ARC, for adoption, the One Plan as a means of co-ordinating and integrating regional strategies for land use (lead) transport, other infrastructure, economic, social and cultural development, and environmental performance.
- The RSDF should be the mandated primary point of contact for the government in engaging with regional development and planning issues that affect the whole region.

RSDF Representation

- Council Representation:
 - ARC: 4 members (Committee Chairs?)
 - Cities: 2 members each appointed by each Council
 - Districts: 1 member each appointed by each council
- Central Government representation:
 - 3 – 5 ministers or delegates (recognising the importance of this relationship)
 - Mana Whenua representation

The reason for Mana Whenua representation appears to be founded on the exercise of the Crown's Treaty partnership obligations, which elevates this group above stakeholders. Difficulties might be anticipated in providing an adequate resourcing and backup for these representatives. Until Treaty settlements are concluded, WCC recommends that the Minister of Maori Affairs hold specific representation on the Forum with the ability to appoint Mana Whenua representative(s) as his delegates, and for his Ministry of Maori Development to provide consultation and back up support for those representatives.
- It is recommended that the maximum membership should be 20 representatives.

RSDF Machinery of Government

- The RSDF Chair should be appointed by the ARC from amongst the Forum members on the recommendation of the RSDF.
- RSDF decision-making should be consensus whenever possible. If that fails, decisions should be by majority decision, but when decisions are to be formally binding on all parties, a 75% majority should be required.

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- Each member should have **one vote**.
- **Existing fora** (such as RGF, RLTS, AREDF/Metro) should be abolished and their responsibilities transferred to the RSDF for incorporation into the One Plan. (Thus simplifying and streamlining regional governance.)

(c) **The One Plan**

Recommend the development of a single strategic document that expresses the agreed regional development programme and funding commitments.

One Plan Breadth

- One Plan should develop over time, starting with the content of the RGS, RLTS, REDS, but expanding over time to cover the 4 wellbeings.
- Includes vision, goals, directional shifts and ethos of LTSP.
- Initially records existing strategic agreements and funding agreements.
- Needs to urgently address regional responses to global forces of change.
- Focus on regional priority actions that will achieve "step change" in competitiveness, efficiency, well being.
- Records Auckland's place in the nation, relationship with adjoining regions and NZ, and expectations about engagement with central government.
- Key function is horizontal and vertical integration of development programme.

One Plan Depth

- Issues of regional significance. Focus on high-level, complex, difficult to solve issues.
- Could include outcomes, objectives, strategic direction, priorities and funding parameters.
- Prioritised projects to be agreed.
- 20 – 30 year time frame with a view to 50 year horizon.

Enforceability

- A primary focus is engaging the Crown, so their representation is essential along with the use of multi-year and bulk regional funding agreements, and performance contracts.
- Until 2012, primary local government commitments should generally be limited to those in LTCCPs, but beyond 2012 LTCCP commitments may be revised to reflect One Plan funding needs.
- Capacity to enter into agreements with providers of infrastructure, including providers such as Watercare Services limited and energy companies.
- Ability to conclude binding agreements between/among parties.
- Generally parties should be required to give effect to decisions, and as a minimum to not act inconsistently with One Plan. The One Plan needs to be enforceable according to the needs of

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each policy, so that provisions should be able to range from advisory to mandatory.

- Generally, ARC should be the One Plan contract and funding agreement negotiating agent.

Sanctions/ Levers

- Support for the range of incentives and sanctions including moral suasion. The sanction of exclusion from the benefits of participation should only be used after careful consideration.

Consultation

- RSDF should be responsible for public consultation on the One Plan, and in recommending the Plan to the ARC for approval should also comment on the consultation process and outcomes.

Relationship with Community Outcomes Process

- RSDF should report to the ARC on the extent to which One Plan delivers on the Community Outcomes the ARC has recorded.

Ability of the (GAC) ARC to amend One Plan

- Follow the RGF provisions of Section 37SG (4) of the LGA74: "The function of the (RGSF) is to advise on and approve the (One Plan) and any amendment to that (One Plan) before any such amendment (or One Plan) is adopted by the Auckland Regional Council." ie the ARC can adopt a plan or amendment only on the recommendation of RGSF.

Transition

- The One Plan will evolve with experience and time. The target should be to complete the first iteration of the One Plan by the end of 2008 in order to inform the local government 2009-2012 LTCCP process, and 2009-2012 budgets, with a review by 2011, in time for the 2012 LTCCP review.

(d) Three Waters

Status quo

- WCC has signalled its intention to resolve that Watercare Services Ltd should not be able to pay a dividend. The status quo should continue with respect to Watercare Services Limited governance and legislative arrangements. This means that no proposals for Watercare Services Ltd to pay a dividend should be actioned at this time, and that there should be no change in the ownership by TAs. At some future date, it may be desirable to review whether the present arrangements are the best possible to ensure the sustainable development of the Auckland region. Work on the Three Waters Strategy should be reported to RSDF.

(e) Regional Facilities

- Any regionally funded facility should be owned by a regional entity. If funding is to be shared across units of local government, the proportionality formula should reflect usage by

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communities. WCC considers the West Wave Pool in Henderson to be such a regional facility.

(f) Economic Development

- Waitakere has a very successful and cost-effective EDA. The Council supports the strengthening of a Regional EDA, and the incorporation within that of Tourism Auckland, on a basis that does not undermine the effectiveness, profile and engagement with government of Waitakere Enterprise. The Regional EDA has a critical role in coordinating local EDAs.

(g) Transport

- Need to engage with Government immediately to incorporate proposals from the Transport Workstream into government policy and legislation on the implementation of ATSAF, the government's reform of transport entities, the "Next Steps in the Land Transport Review, 30 April 2007, and the Cabinet decisions on this review [POL min (07) 9/5 refers].

(h) Shared Services

- Support for continued action on shared services, including, for example investigations into coordinated rating and valuation systems.

(i) Funding

- Acknowledge that existing funding mechanisms available to local and regional government are insufficient to meet the strategic and timely development needs of the region.
- There is a need to consider the cost-effectiveness of the RSDF/OnePlan proposal, and the funding arrangements for its operation.

(j) Land Use

- There needs to be further efforts to ensure that transport and other infrastructure planning and services give effect to the growth concept of the RGS and the shifts of the LTSF.
- ARC needs to ensure that the land use intent of the One Plan is reflected in timely revisions of the RPS prepared under the RMA.

(k) Other

- CDEM should continue to be a joint regional and local undertaking to ensure the continued engagement of local communities and marshalling of volunteers.
- Parks, RMA, Harbours responsibilities of ARC should remain unchanged.
- Support for further investigations into regional development corporation for major projects.

Consultation with the public on the proposed package is essential. WCC considers that an eight week concerted process is the minimum required. Consultation should be a shared government/local government undertaking.

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Footnote: key to acronyms

AREDF: Auckland Region Economic Development Forum
ARC: Auckland Regional Council
ATSAP: Auckland Transport Alignment Project
EDA: Economic Development Agency
GAC: Greater Auckland Council
LGA 74: Local Government Act 1974
LTCCP: Long Term Council Community Plan
LTSF: Long Term Sustainability Framework (for the Auckland Region)
RGF: Auckland Regional Growth Forum
RGS: Auckland Regional Growth Strategy
RLTS: Auckland Region Land Transport Strategy
RMA: Resource Management Act
RPS: Auckland Regional Policy Statement
RSDF: Auckland Regional Sustainable Development Forum
TA: Territorial Authority

2. That the Council forward a copy of the approved recommendations to the project team for incorporation into the final report.

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Strengthening Auckland's Regional Governance

Final Report

June 2007

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Purpose

This report outlines a proposed model for strengthening Auckland governance. This model has been developed following consideration of feedback from Councils and the Government on the progress report issued in May 2007.

The model is a balance between competing views and represents an attempt to find a pragmatic way forward that will achieve progress in relation to the major components outlined in the December 2006 proposal.

The main components of this model could be implemented without the need for legislation and by formal agreement between the Auckland councils. Legislation would be desirable in the medium term, and in terms of progress on some of the workstream issues, will be necessary.

It is proposed that if this model is accepted as the way forward, work start immediately on developing the agreement between councils to determine the nature and operation of the Regional Sustainable Development Forum and the scope, effect and timetable for the One Plan. It is recommended that this agreement be developed and signed as soon as possible before the end of August 2007.

Content of Report

This report provides:

- A brief introduction and overview;
- An overview of the feedback received on the progress report;
- A model for consideration and endorsement;
- An outline of the key implementation issues; and
- The proposed timeline/next steps for progressing implementation.

The analysis and commentary presented in this report has been prepared by officials from both central and local government. This report builds on the material that has been presented in previous reports.

This document has been prepared for consideration by councils and Ministers with a view to seeking formal consideration by councils before the end of June and by Ministers in mid July.

Subject to support from councils and Ministers, it is intended that implementation of these proposals to strengthen regional governance in Auckland, commence quickly to build momentum through a staged process over the coming months.

Introduction and Background

This report builds on the package presented to the Government in December 2006 and reflects the feedback received from councils and Ministers with respect to the progress report circulated in May 2007.

The background to the work that has been undertaken, together with the background, objectives, rationale and issues that have influenced the contents of this report have been fully canvassed in the previous reports. For the purpose of presentation it is not proposed that the material be repeated.

It is important however that when reading this report the contents of previous reports are recognised and understood.

Feedback on Progress Report

Feedback has now been received on the options set out in the May progress report in the form of Council Resolutions and a letter received from the Minister of Local Government setting out the Government's feedback. These are summarised below.

Not all councils provided feedback on all the issues detailed below. In addition to the formal feedback received, further discussion and analysis has been undertaken with a view to developing a model for consideration and endorsement by central, local and regional Government.

In assessing the feedback it is important to recognise that all feedback received was supportive of the need for, and desirability of, change within the Auckland region. Similarly there has been a high degree of consensus and support for the key components of the model. Some saw support for the need for change as a necessary first step to strengthen Auckland regional governance, recognising that the nature of the dynamics in the region make it likely that further changes will be required in the future.

Not unexpectedly, however, there continue to be divergent views around certain elements of the proposal, especially with respect to the specific mechanisms required to ensure that the proposal is both workable and capable of being operationalised.

While recognising some divergence of views, this report seeks to identify matters upon which there appears to be a general and or emerging agreement.

Summary of Feedback

Strengthened Regional Council

Role	<p>The feedback supports the need for a strengthened regional council to provide leadership for the region, especially with respect to regionally significant issues associated with social, cultural, economic and environmental well being with a particular focus on service and infrastructure.</p> <p>The strengthened regional council would have available to it new/additional funding tools to undertake its new role.</p>
Name	The majority agreed that a new name was desirable to signal and reinforce the change in role and responsibility and to provide a "break" from the past.
Leadership	<p>Two options were put forward being:</p> <p>Status quo, with the council appointing its own leader from within its membership;</p> <p>A leader elected at large.</p>
Membership	<p>Three options were identified involving:</p> <p>The Status Quo (13 members elected from 6 constituencies);</p> <p>A mix of elected and appointed members;</p> <p>Increased membership elected on the basis of parliamentary constituency boundaries.</p>

Regional Sustainable Development Forum (RSDF)

Role	<p>To develop and recommend the One Plan to the strengthened regional council.</p> <p>To act as a vehicle to improve the collective decision-making, prioritisation, funding and implementation of regionally significant infrastructure and services.</p>
Status	A standing committee of the strengthened regional council.
Representation	<p>All councils to appoint representatives from among their elected members. Divergence of views as to how many representatives per entity. A variety of options put forward:</p> <ul style="list-style-type: none"> ○ three representatives for the strengthened regional council, with one each from other councils;

<ul style="list-style-type: none"> ○ Central Government ○ Mana Whenua /Tangata Whenua 	<ul style="list-style-type: none"> ○ One or two representatives per council (either the Mayor and one other, or both selected by the appointing council); ○ Strengthened regional council with three representatives, city councils two each, district councils one each. <p>Central Government participation was seen as critical and as an essential condition of the forum's value and credibility. Participation could be by either Ministers and or officials depending on the issue.</p> <p>Mana Whenua/Tangata Whenua seen as a key participant. Diverging views on both the mechanism by which they are involved, and whether they have voting rights.</p>
Chair	<p>Options identified involving Chair to be:</p> <ul style="list-style-type: none"> ○ The Chair or a member of the strengthened regional council; or ○ A member of the RSDF; and ○ Appointed by the strengthened regional council, possibly on recommendation of the RSDF; or ○ Appointed by RSDF members.
Decision Making and Voting Systems	<p>Voting Systems -Differing views ranging from one vote per council to some form of proportionality based on population.</p> <p>Decision Making – There seemed to be general agreement on the need to make an honest attempt to make decisions by consensus.</p> <p>In the event of a failure in consensus decision-making there was a range of preferences ranging from by a simple majority to some form of voting threshold</p>
Existing Regional Fora	<p>Differing views were expressed ranging from:</p> <ul style="list-style-type: none"> ○ Retaining existing committees (recognising that there are standing committees of the strengthened regional council); ○ The RSDF deciding what was required and convening and or recommending to the strengthened regional council, that would then convene.

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One Plan

Breadth	<p>To deal with regionally significant issues, expanded over time as capability and issues change.</p> <p>Particular focus on social, cultural, environmental and economic issues.</p>
Depth	<p>Vision, Goals Strategic Direction, Projects/Programmes of a regional scale, with funding parameters.</p>
Enforceability	<p>Support for a need for enforceability. Emerging agreement that enforceability and degree of binding should be differentiated and dependent on the issue involved.</p> <p>Parties to be bound through funding agreements.</p> <p>Councils and Government to align strategies and to not act inconsistently with One Plan. Obligation will also flow to the respective CCO's and Agencies.</p> <p>To be linked to accountability documents such as long term council community plans and statements of intent.</p>
Sanctions/Levers	<p>Agreement on the need for a range of sanctions and levers to encourage implementation, which may include a mix of moral and financial mechanisms.</p>
Consultation	<p>Two principle options identified being:</p> <ul style="list-style-type: none"> o public consultation by the strengthened regional council; o public consultation by the RSDF.
Relationship with Regional Outcomes	<p>All councils to undertake own consultation on local and regional community outcomes.</p>
Ability of strengthened regional council to amend	<p>Strengthened regional council to adopt on recommendation of RSDF;</p> <p>Options of allowing the strengthened regional council to:</p> <ul style="list-style-type: none"> o amend the recommended One Plan; subject to public consultation; or o refer the One Plan back to the RSDF, but not to unilaterally amend it.

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Regionally Significant Issues: Related Work Streams

Three Waters	<p>General agreement about the alignment of strategy, planning, funding and delivery, possibly including bringing Three Waters Strategy under the RSDF.</p> <p>Diverging views which:</p> <ul style="list-style-type: none"> o Supported the status quo in respect of ownership or sought transfer of ownership of Watercare Services to the strengthened regional council; o Supported the status quo in respect of the payment of dividends or supported removing legislative restrictions on the payment of dividends.
Regional Facilities	Support for advancing the original proposal and agreeing on a managed time frame to achieve transfer of functions and funding.
Economic Development	Support for advancing the original proposal.
Transport	Support for advancing the original proposal including a suggestion that changes be made with respect to the ARTA appointments panel.
Shared Services	Support for advancing the original proposal recognising that some work has already been advanced.
Funding	Support for advancing the original proposal. Councils to make business cases for any proposed new funding mechanisms, as appropriate.

Other Matters Raised – Local Land Use

The need for the role of the strengthened regional council to be clarified around the issue of local land use policy was raised in council resolutions. In particular there was a concern to ensure that the strengthened regional council did not exert undue influence in matters of local land use policy where district plans and sector agreements are consistent with the Regional Growth Strategy.

The Way Forward

While there is a wide degree of support for the principles and components of the December package there continues to be a variety of views expressed as to how individual councils would prefer to see the components configured and operating. For instance while there is support for:

- A Strengthened Regional Council with an expanded role and funding tools with a standing committee called a
- Regional Sustainable Development Forum involving all councils and participation by Central Government and Mana Whenua/Tangata Whenua, with a key outcome of delivering
- A coordinated, aligned, prioritised and funded One Plan dealing with regionally significant issues (the four well beings) and linking Central Government strategies and funding with;
- Binding funding agreements negotiated/facilitated by the strengthened regional council as an outcome of the One Plan to ensure implementation of projects/programmes and to advance specific and already identified issues around
- the key Workstreams associated with Three Waters, Regional Facilities, Economic Development, Transport, Shared Services and Funding.

There continues to be divergence around the detail of the specific mechanisms associated with:

- Representation;
- Membership; and
- Voting.

While it is difficult to assess the exact nature and extent of the differences it does appear that many of the concerns expressed do arise from a range of issues including:

- History and past grievances about attitudes and behaviours have produced a lack of trust and tensions between different spheres of government resulting in a concern/unwillingness to cede control;
- The tensions between regional and local interests also affect the preferences expressed by the different councils about the different models for membership and voting;

- A concern at becoming involved in a process whereby an individual council's interest/perspective may become secondary to, or compromised by the collective interest and the council being bound by something that it will not necessarily be able to control - albeit that it can participate in and influence the decision-making; and
- A perception that there are differences between rural and urban interests and a fear particularly from rural and or smaller councils of being disadvantaged and or "swamped" in the process.

Each of these factors affects the attitude and willingness of individual participants to alter their positions and preferences. While the weighting ascribed to them may be unclear, their very existence affects the approach to be adopted with respect to both the proposal itself and the implementation process adopted. As in many other processes of change the success or otherwise of the process will ultimately be determined by the behaviours, attitudes and trust of those who lead the process and those who are bound by or committed by the process. Each of these factors will have a major influence on achieving an outcome that can secure the ongoing support and understanding of all parties.

To secure progress a balance will need to be achieved between the various options and variants presented above. While preferences cannot be ignored, neither can they be treated as insurmountable obstacles to moving forward.

In that context, a draft model has been developed. The model seeks to achieve a balance between the differing views while outlining an approach that, if supported, is both workable and capable of being advanced before this year's local authority elections.

Underlying this approach is a recognition that many of the components within the proposed model can be advanced, in the first instance, within the existing legislative framework and through agreements between the individual parties. While this will allow momentum to be achieved it will also provide an opportunity to determine more precisely what legislation is ultimately desirable.

Proposed Model

Set out below is a proposed model for discussion and endorsement by the Auckland councils and by central Government.

Strengthened Regional Council

Role - The Strengthened Regional Council will continue to be a regional council under the Local Government Act 2002, with the statutory purpose of promoting

the current and future social, economic, environmental, and cultural well-being of the communities of its region.

Its agreed responsibilities and functions in the first instance will be:

- the current functions of the Auckland regional Council (ARC);
- advocacy to, and negotiation of implementation agreements with, central government on regional priorities across all the dimensions of the four well beings;
- convenor of and provider of secretariat support for the RSDF;
- to adopt the One Plan for the Auckland region on the recommendation of the RSDF;
- guardian of the One Plan to facilitate and support its implementation by relevant parties;
- implement One Plan decisions for which it has direct responsibility;
- facilitate agreements for funding and implementation of One Plan decisions agreed to by other parties to the One Plan;
- monitor and report on progress with implementation of One Plan decisions;
- regional economic development; tourism promotion and regionally significant (major) events management;
- facilities and amenities that contribute to regional community well-being, including the funding of services provided by regional organisations; and
- assess the need for and establish, if necessary, an agency to undertake urban development or renewal projects required to advance One Plan objectives; and
- Subject to further work, (yet to be completed) and the preparation of business cases the strengthened regional council would have available to it new/additional funding tools to undertake its new role.

Status – The strengthened regional council will continue to be a Regional Council within the legal framework of the Local Government Act 2002 (LGA02).

Name - The strengthened regional council will have a new name – “Greater Auckland” to reflect its new expanded role, to signal a change from the past and to better distinguish it from the Auckland City Council.