

Auckland Transition Agency

Discussion Document
– Auckland Council local boards

26 February 2010

Table of contents

Executive summary.....	2
Part one: The background to the new local boards	5
Introduction.....	6
What Auckland Council will look like.....	9
Local board planning and funding.....	12
Part two: The ATA's thinking on local boards	15
The role of local boards.....	16
Non-regulatory responsibilities.....	18
Regulatory responsibilities.....	33
Support for local boards.....	39
Local boards working with the rest of Auckland Council and the community.....	41
Council-controlled organisations.....	44
Factors that may affect the ATA's thinking on the role of local boards.....	49
How to give feedback.....	50
Glossary.....	51
Appendix 1	52

Executive summary

On 1 November of this year, Auckland will have a new structure for local government. The Auckland Council is a completely new model for New Zealand and is designed to strengthen regional leadership while providing effective local and community democracy. This new structure must be in place and operating effectively from day one. The Auckland Transition Agency has been given the responsibility for ensuring this happens.

Decision-making

Auckland Council will have two complementary and non-hierarchical decision-making parts. The mayor and 20 councillors elected from across the region (known as the governing body) will focus on the big picture and region-wide strategic decisions and issues. The region will also have a number of local boards, which will each represent their local communities and make decisions on local issues, activities and facilities. Local boards provide the opportunity for strengthened community representation and are key to encouraging Aucklanders to become actively engaged in local and Auckland-wide issues.

The Auckland Council organisation and the council-controlled organisations, responsible for some local government services such as transport and water, will be supporting the governing body and the local boards in their governance role.

The role of local boards

For many Aucklanders local boards will be the face of local government. Local boards will meet regularly with the communities they represent in their local board area, understand their needs and help deal with the things concerning local people. They will also consult communities formally when developing local board plans.

These plans will be an important part of Auckland Council's overall planning process, and enable the community to participate in local decision-making.

Principled approach

The Local Government (Auckland Council) Act 2009 sets out the roles of the governing body and local boards. This act does not prescribe a specific list of activities for local boards. Instead, it contains the strong principle that decision-making for all non-regulatory activities should be undertaken by local boards, unless a regional approach would better promote the well-being of Auckland communities.

This principled-approach sits well with the wide-ranging nature of local government activity. It provides flexibility for the role of local boards to change and evolve over time.

Allocating activities

The act requires the governing body to allocate decision-making on non-regulatory activities between the local boards and the governing body in accordance with the overarching principle set out above. As the Auckland Council has not yet been established, the ATA has been tasked with allocating the non-regulatory activities of Auckland Council for the initial period. This is being undertaken alongside the overall planning for the Auckland Council and the development of budgets for the council, the council-controlled organisations and for each local board.

In preparing for this initial allocation of responsibility, we have undertaken a thorough analysis of the current role of Auckland's local government. The variety and complexity of this role has informed our approach. We have broken down and grouped this role into a number of key activities. We then sought to identify

which aspects are local in nature and which would benefit from a regional approach. Most have both regional and local aspects to them.

Non-regulatory responsibilities

Non-regulatory activities form a significant part of councils' business and tend to be the activities that directly enhance the well-being of communities.

Under our proposed allocation model, local boards will oversee local facilities (such as community parks, halls, swimming pools, sports fields and libraries), local programmes and activities (such as local events, community arts and culture programmes, community advisory services and social housing initiatives) and local services (such as enhanced rubbish removal, graffiti control, and cleaning programmes for the local area).

They will make locally based decisions on, for example, location and design of new local facilities, local service standards, maintenance programmes for local infrastructure, and local centre branding and marketing. In doing so, they will develop and reflect the distinct characteristics and needs of their local communities.

In allocating the non-regulatory activities, rather than asking "Why should local boards undertake certain activities?" the ATA has asked "why not?".

Regulatory responsibilities

As well as these non-regulatory activities, we know that a number of regulatory matters will be of interest to local boards. These could include local decisions on liquor control (such as what local parks are subject to liquor bans), location and signage for commercial sex premises within local areas, and restrictions on activity within local public places (such as local street trading). The ATA is not authorised to delegate regulatory activities to local boards, but to complete the picture on the role of the local boards we have considered

which decisions in these types of areas may be delegated to them. The delegations to local boards will be decided by the governing body, once elected.

As well as decision-making, local boards will also provide important local input into the development of regional strategies, policies, plans and projects and can propose local bylaws to the governing body.

Working with others

Council-controlled organisations will need a direct relationship with local boards both in seeking input to their plans and around day-to-day matters in local board areas. The extent of this relationship will depend on what the council-controlled organisation does, and where it operates. For example, the legislation establishes a transport agency, Auckland Transport, to manage Auckland's local government transport network. Auckland Transport will be responsible for footpaths, street furniture, signage and lighting, all of which contribute to building a "sense of place" and will be of key interest to local boards. Auckland Transport will need to work closely with local boards on these sorts of activities. As well, Auckland Transport will need to engage regularly with local boards on local initiatives such as bus stop locations, safety initiatives, and speed restrictions.

Overall, a high degree of collaboration will be required between the various parts of the "Auckland Council group": the governing body, local boards, the mayor, the council-controlled organisations, and the proposed statutory board for Maori and panels for ethnic and Pacific peoples. Effective working relationships will be essential to the success of this governance model.

Budgets and support

On day one, each local board will have a budget and allocated decision-making responsibilities.

These responsibilities will be significant. The Local Government Commission has proposed 19 local boards, many of which will represent communities larger than many district councils in New Zealand. The budgets and allocation of responsibility will be commensurate with this. Local boards will need good support from the Auckland Council organisation. The structure already approved by the ATA includes a Manager Local Board Services at a senior level in the organisation. We are proposing that this manager will have dedicated staff to provide strategic and policy advice, and consultation and administrative support to local boards. Support and expert advice will also be drawn from across the organisation as needed.

This discussion document contains our thinking on the initial allocation of decision-making responsibilities to local boards, and on how local boards will fulfil their role. Once we have received your feedback, we can then undertake the task of allocating specific and detailed responsibilities to each local board, and determine initial budgets for the local boards, the governing body and council-controlled organisations. We welcome your input.

Part 1

The background to the new local boards

Introduction

Context

On 1 November 2010, the Auckland region will have a new local authority: Auckland Council. Auckland Council will have two complementary decision-making parts, a governing body (the mayor elected by all Aucklanders and 20 councillors elected on a ward basis) and local boards (with members elected by local board area). The Local Government Commission (LGC) has proposed 19 local boards as set out in Appendix 1. These proposals may change when the LGC confirms the number of local boards on 11 March 2010.

This new governance model replaces the existing regional council, seven local councils and 30 community boards.

The government intends for Auckland Council to strengthen local government in Auckland, better enable the region to attract people and investment, and create first-class infrastructure and lifestyle.

The new governance structure also aims for:

- regional thinking, strategic planning and decisive action
- better connections across the Auckland region
- better value from rates and central government funding
- strengthened community representation with community control of what matters locally.

These aims are set out in “Making Auckland Greater. The Government’s decision on Auckland Governance April 2009”.

The complementary nature of the two decision-making parts of Auckland Council is important:

- the local boards will focus on decisions around a wide-range of services at the local level and will represent the diverse communities across Auckland
- the governing body will focus on region-wide strategic decisions, providing one voice for Auckland nationally and internationally.

While the way decisions are made will change, the role of local government in Auckland remains the same.

Local boards are intended to have a significant and wide-ranging role; they will make decisions on local matters, provide local leadership, and build strong local communities. The local boards will also provide important local input into region-wide strategies and plans including those of council-controlled organisations (CCOs). CCOs are organisations that deliver services on behalf of councils and have majority council ownership or control.

For many Aucklanders local boards will be the face of local government. The local board members will be locally elected people who understand their communities’ aspirations and concerns. They will be the people who deal with issues ranging from where dogs exercise in local parks to the need for a new swimming pool to youth unemployment and crime.

The local boards will in many cases represent more people than most New Zealand councils. They will make things happen in their areas and engage Aucklanders in local and regional matters.

The basis for local boards fulfilling this role is set out in the Local Government (Auckland Council) Act 2009 (the act). The act provides for local boards being responsible for all non-regulatory activities unless a regional approach would better promote the well-being of Aucklanders. The legislation also specifically requires local boards to prepare a three yearly local board plan in consultation with their communities, and to agree annually with the governing body local priorities and funding. Local boards will play an integral role in Auckland Council's overall planning process.

It is the governing body's role to allocate these non-regulatory decision-making responsibilities to the local boards. However, in the absence of a governing body, the act requires the Auckland Transition Agency (ATA), the body setting up the new governance arrangements, to initially allocate decision-making responsibility for non-regulatory activities to local boards. This allocation is based on principles in the legislation. In its allocation:

Rather than asking: "Why should local boards do certain non-regulatory activities?" the ATA has taken the approach of "why not?".

In allocating decision-making responsibilities to local boards, it has not been a simple matter of putting a local government activity into a box for either the governing body or the local boards. This is because most local government activities have a regional and a local component. In allocating responsibility to local boards, the ATA has focused on the local components of decision-making.

When it comes to the regulatory activities of local government, the act gives responsibility for all regulatory decisions to the governing body. The governing body is, however, able to delegate some regulatory responsibilities to local boards. It is not the ATA's role to delegate regulatory activities to local boards, this is a matter for the governing body once elected. However, we have considered potential responsibilities for the local boards in the section titled: Regulatory responsibilities, to provide a more complete picture of what their role might be.

What this discussion document covers

This document

This discussion document:

- provides background information on local boards
- outlines the ATA's thinking on the initial allocation of decision-making responsibility for non-regulatory activities
- considers the role of local boards in the regulatory activity of Auckland Council
- outlines the ATA's thinking on how local boards will fulfil their role.

Feedback

The ATA would like your feedback, in particular, on the following:

- given the principles in the act what are your views on the allocation of non-regulatory responsibilities?
- have any non-regulatory responsibilities been missed?
- what local facilities, programmes and projects do you think local boards should have decision-making responsibility for?

The ATA is also interested in your feedback on the thinking on how local boards will fulfil their role.

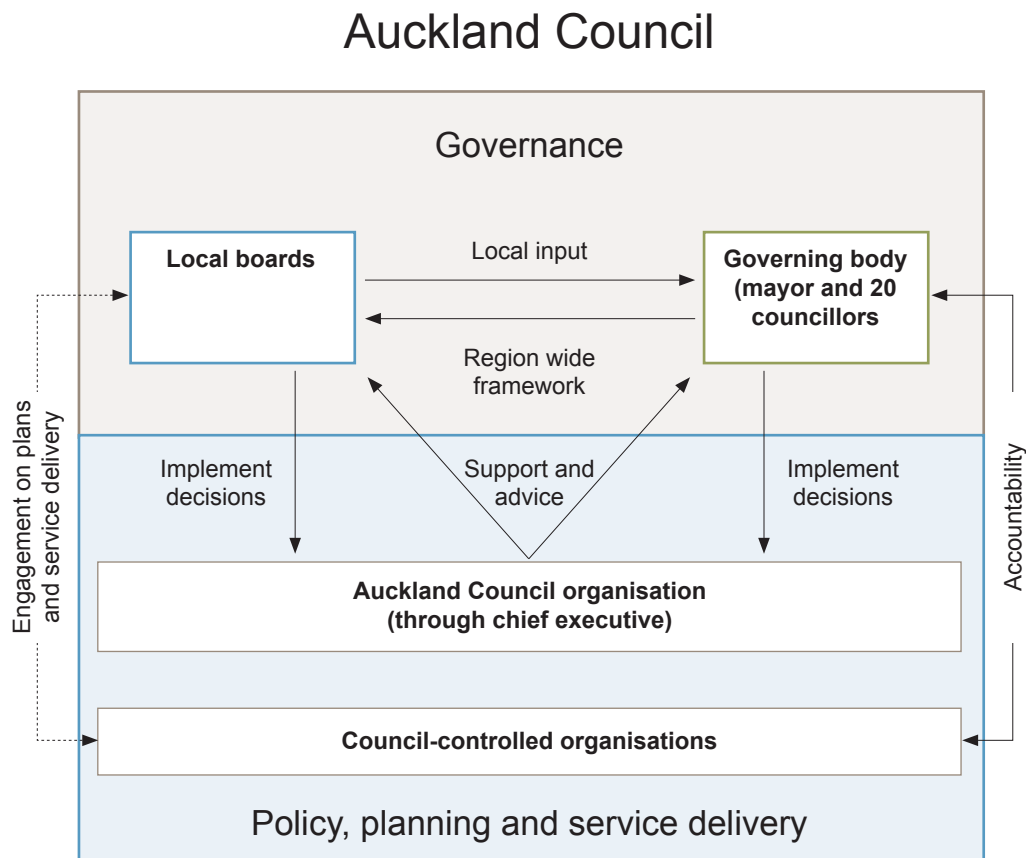
You can have your say by providing feedback online at www.discussiondocuments.co.nz or by sending in your written feedback to: Local Board Feedback, Auckland Transition Agency, PO Box 99394, Newmarket 1149, Auckland, by 5pm on 26 March 2010.

Factors which may influence our thinking on local boards

Your feedback will help shape our thinking on local boards. However, a full picture will not be available until work is complete on other transition matters. Some of this work is not the responsibility of the ATA, for example, the government has introduced a third bill, the Local Government (Auckland Law Reform) Bill (the bill), on Auckland governance to parliament. Submissions on the third bill may result in changes by the time the bill becomes law in May 2010. In addition, the Local Government Commission (LGC) is still working on the number of local boards and their boundaries.

What Auckland Council will look like

The diagram below shows the structure of Auckland Council.



Auckland Council will be advised by an independent board for mana whenua and Maori of Tamaki Makaurau. The board must appoint a maximum of two persons to sit on each of Auckland Council's committees that deal with the management and stewardship of natural and physical resource. Auckland Council will also be advised by a Pacific peoples advisory panel and an ethnic advisory panel.

The Local Government (Auckland Council) Act 2009 (the act) puts this two-part governance structure in place. The governing body and the local boards share the decision-making responsibilities of Auckland Council, as set out in the act. Both the governing body and local boards are democratically accountable and responsible for decisions. Elected representatives cannot serve on both the governing body and a local board.

The LGC will decide how many local boards there will be. The LGC has proposed 19 local boards. Appendix 1 lists the proposed 19 local boards and the geographic areas that they will cover. The LGC's final decision on the number of boards, the board boundaries and the number of members for each board will be announced on 11 March 2010.

Governance

Governing body

The governing body consists of the mayor and 20 councillors. The act provides enhanced responsibilities for the mayor of Auckland Council, as compared to other New Zealand mayors. The responsibilities include promoting a vision for Auckland, providing leadership to achieve the vision, leading the development of council plans, policies and budgets and ensuring effective engagement between Auckland Council and the people of Auckland.

The governing body is responsible for:

- giving effect to the purpose of local government as set out in the Local Government Act 2002. This means enabling democratic decision-making and action by, and on behalf of, its communities, and promoting the social, economic, environmental and cultural well-being of Auckland now and in the future
- making rates, making bylaws, borrowing money, adopting a Long-term Council Community Plan (LTCCP), annual plan and annual report and appointing a chief executive
- Auckland Council decision-making on regulatory matters and region-wide non-regulatory matters
- the governance of CCOs
- consulting with and considering the views of local boards before making a decision which affects communities in the local board area, or the responsibilities or operations of the local board
- negotiating a local board agreement with each local board.

Local boards

The purpose of local boards is to enable democratic decision-making by, and on behalf of, communities within the local board area, and to promote the social, economic, environmental, and cultural well-being of communities within the local board area. Local boards are part of Auckland Council, so they do not need to have their own powers to acquire, hold, or dispose of property, or appoint, suspend, or remove employees. They are not community boards, a committee of the governing body or incorporated bodies.

The local boards are responsible for:

- non-regulatory decision-making on local matters, including negotiating the standard of services delivered locally
- representing their communities and building strong local communities
- providing local leadership and developing relationships with the governing body, the community, community organisations and special interest groups in the local area
- identifying and communicating the views of local people on 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
- monitoring and reporting on the implementation of local board agreements
- any additional responsibilities delegated by the governing body, such as some decisions within regional bylaws.

Policy, planning and service delivery

Auckland Council will deliver services through the Auckland Council organisation and a number of new CCOs. Auckland Council, through the governing body, governs the CCOs and in some cases provides funding to them. Legislation provides for transport (Auckland Transport), water services (Watercare Services Limited) and waterfront development CCOs. The cabinet has also given “in principle” approval for further CCOs covering:

- economic development, tourism and events
- regional facilities
- property
- investments.

The act requires the chief executive of Auckland Council to provide the support that local boards need.

The chief executive employs all Auckland Council staff, including those supporting local boards.

Local board planning and funding

Local authorities are required to produce a 10-year plan every three years (the LTCCP), and an annual plan in the other two years. The LTCCP sets the council's budgets and priorities for a 10-year period. The LTCCP is produced during the middle year of the three-year electoral cycle.

For local authorities, the financial year runs from 1 July to 30 June. For example, the 2011/2012 year means the financial year starting on 1 July 2011 and ending on 30 June 2012.

These arrangements continue to apply to the new Auckland Council.

In the new governance structure, local boards will have an important role in Auckland Council's planning process. The act puts in place two key additional planning documents for local boards: the local board plan and local board agreement.

The local board plans, prepared every three years, will inform Auckland Council's LTCCP. They also form the basis of developing local board agreements for each of the next three years. The agreements, prepared on an annual basis, indicate the service levels and budgets the local board and governing body have agreed. The agreements form part of Auckland Council's LTCCP and annual plans.

The planning process provides an important opportunity for members of the public to influence what happens in their community and to participate in local decision-making. These documents then provide the basis for accountability to the community, based on agreed funding and service standards between the governing body and the local boards.

The local board plan

Local board plans describe the local communities' aspirations for the next three years. Local boards will work with their communities to establish their interests, preferences and priorities.

The local board plans need to include financial and non-financial information, including the standard service levels to be provided, an explanation of any variation from the standard service levels and an estimate of the costs or savings of varying these. The plan needs to consider the governing body's estimated budget for the local board, and what, if any, costs will be met by local funding sources such as admission fees and targeted rates. Both these methods of raising funding are commonly used now by local government throughout New Zealand. A targeted rate is a rate for a local board area or specific group of ratepayers. An example is the current targeted rate for Auckland's CBD that CBD residents and businesses pay for projects to improve the CBD. More information on targeted rates is provided on page 14.

When considering proposals for locally raised funding the governing body will do this in the context of the overall funding policy for local boards, discussed on page 14.

The act requires each local board to prepare a local board plan by 30 April following elections every three years. These local board plans must follow a special consultative procedure prior to adoption, as outlined in the Local Government Act 2002. A special consultative procedure requires community consultation on proposed decisions using specific processes such as public notification and hearings.

On taking office, in November 2010, the local boards will have to place significant focus on the first local board plans. The ATA is undertaking preparatory work to help the local boards develop and consult on their first local board plans for adoption in 2011. A range of Auckland Council staff, such as finance and local board services staff, will support the preparation of these plans.

The local board agreement

Each local board negotiates an agreement with the governing body annually on the delivery and funding of services in the local area. Local board agreements should as far as practicable be consistent with the local board plans. The local boards and the governing body will need to work closely together to reach agreement, but the legislation provides a formal process to settle the agreement if the local boards and the governing body are unable to do this themselves.

The agreements must be included in either Auckland Council's LTCCP or annual plan.

The first local board agreements need to be prepared in 2011, for the 2011/2012 financial year. Auckland Council staff will develop these documents and support the negotiation process.

Monitoring of the local board agreement

Each local board must monitor the implementation of its local board agreement.

Auckland Council must also report on local activities in each local board area in its annual report. This needs to include a comparison of the agreed service levels and the service levels delivered, and an explanation of any difference.

Planning document prepared by the ATA

The ATA is required to prepare Auckland Council's first planning document by 31 October 2010. This first planning document will serve as:

- Auckland Council's annual plan for the period 1 November 2010 to 30 June 2011
- Auckland Council's LTCCP from 1 November 2010 to 30 June 2012.

This document will include the ATA's initial allocation of decision-making responsibilities to local boards. It will include Auckland Council budgets in detail for the eight-month period 1 November 2010 to 30 June 2011 and for 2011/2012 and budgets in outline for the following seven years. In preparing these budgets, the ATA will take the budgets in existing LTCCPs and allocate them to the governing body, local boards and CCOs.

It is expected that this planning document will provide the foundation for the 2011/2012 annual plan and local board agreements. Auckland Council will carry out a more comprehensive planning exercise as it develops the 2012-2022 LTCCP.

Funding policy

The act requires Auckland Council to develop a local boards funding policy. The funding policy will set a formula to guide the allocation of funding between local boards for local activities and administrative support. Auckland Council must adopt the funding policy before the start of the first LTCCP in July 2012. The funding for each local board needs to provide an equitable capacity for each local board to enhance community well-being in its area. The formula must take into account:

- social and economic information
- costs of achieving and maintaining the service levels for local activities in each local board area
- revenue
- any other matters Auckland Council identifies as being important considering the nature and level of services needed in each local board area (for example, the geographic isolation of a particular local board).

Until Auckland Council adopts its new funding policy and LTCCP in 2012, the budgets and funding policies and mechanisms in the existing councils' 2009-2019 LTCCPs will largely determine the funding allocated to meet the cost of local activities in each local board area.

The current Auckland councils cease to exist on 31 October 2010 but need to set rates for the full 12 months from 1 July 2010 to 30 June 2011. Auckland Council will collect the rates from 1 November 2010. The rates set will use the system of rating put in place by each council, and will be based, as far as possible, on the service levels, projects and forecasted budgets in the current LTCCPs for 2010/2011.

For 2011/2012, any change in rates will be a consistent percentage movement over the 2010/2011 rates, except where properties have changed (such as a property subdivision).

Targeted rates

The bill states that local boards can raise additional funding for local activities through local revenue generating mechanisms. This could be from proposing new charges or changing existing charges or fees for local activities (such as admission fees), or by setting a targeted rate.

A local board could use targeted rates to "top up" its funding and provide an additional service or a higher level of service. This would be appropriate where the service benefits a specific group, it is fair and reasonable to collect the cost of this service from that group, and fees/charges are impractical or inappropriate.

Proposals for targeted rates would be included in the local board plan. The governing body must agree to any proposals as part of the local board agreement process. The local board plans for 2011/2012 can propose targeted rates. However, the bill allows the governing body to decline a targeted rate proposal for that year if it is impractical to implement.

Before local boards can assess the need for targeted rates, they will need to understand how Auckland Council will allocate funds for local activities. The funding policy will specify this. It is therefore unlikely that there will be many new targeted rates before Auckland Council adopts its first LTCCP in 2012.

Part 2
The ATA's thinking on local boards

The role of local boards

Local boards are intended to have a significant role. They will be making decisions over a wide range of local government matters at the local level and will have the budgets to back this up. An important role is around shaping the places that they have been elected to serve, that is building a local identity and creating a cohesive community.

The new governance arrangements mean local boards will have a strong connection with their communities.

Local boards will work with the governing body, the CCOs, government agencies and others to respond to their communities' needs and to take the local voice forward into regional strategies, policies and plans.

How the act gives decision-making responsibilities to local boards

There are three ways that the act gives decision-making responsibilities to local boards.

Direct responsibility

The act directly gives some responsibilities to local boards, for example, community engagement, preparation of local board plans, monitoring of local board agreements and proposing local bylaws.

Delegation of regulatory responsibilities

The act enables the governing body to delegate regulatory responsibilities to local boards. There are some exceptions, including the making of bylaws.

Regulatory activity includes:

- bylaws
- consent processes (including resource and building consents)
- licensing
- compliance, inspection and enforcement
- animal management.

The governing body is responsible for decision-making and oversight of these activities, including the making of bylaws and the setting of policy for consenting and licensing.

The ATA cannot delegate regulatory activities to local boards, only the governing body can do this. However, to give a more complete picture of the role of local boards we have considered the potential roles that local boards could play in Auckland Council's regulatory activities on pages 33 to 38.

The governing body retains legal responsibility for any activities delegated to local boards.

Allocation of non-regulatory responsibilities

The act requires the governing body to allocate non-regulatory responsibilities to local boards in line with principles in the act.

Non-regulatory activities comprise the remaining roles of local government, such as those set out in Table A on pages 21 to 29. However, the ATA cannot allocate activities that are given to CCOs under the legislation.

For example the transport CCO, Auckland Transport, has responsibility for all local government transport functions except for transport strategy (the governing body is responsible for transport strategy). There is more information on transport in the section titled: Council-controlled organisations.

The act contains principles for allocating decision-making responsibilities for non-regulatory activities between the local boards and the governing body. Under these principles, local boards are generally responsible for making decisions on non-regulatory activity. There are exceptions where decision-making on a region-wide basis will better promote the well-being of communities across Auckland. These exceptions apply when:

- the benefits of a coordinated approach across Auckland outweigh the benefits of making a local decision
- the decision-making will be more effective if integrated with other decisions that the governing body has to make
- the impact of the decision extends beyond one local board area.

The Local Government (Auckland Law Reform) Bill (the bill) says that local boards should work together where they have similar interests and wishes.

Non-regulatory responsibilities

The ATA's approach to allocating non-regulatory decision-making

The bill requires the ATA to make an initial allocation of non-regulatory activities to local boards, within the principles of the act. For many residents their main link to local government is on non-regulatory activities such as parks, libraries, and events. Non-regulatory activities are where local boards have an important role in understanding community wishes and needs and ensuring that services meet community needs.

The ATA has applied the principles of the act taking into account the purpose of local boards, that is, to enable democratic decision-making on behalf of communities within the local board area and better enable the promotion of the social, economic, environmental and cultural well-being of communities within the area in the present and the future.

In allocating the non-regulatory activities, rather than asking: "Why should local boards do certain non-regulatory activities?" the ATA has taken the approach of "why not?".

The ATA believes this is appropriate because:

- local decisions are best made at a local level to ensure local knowledge and community input
- the governing body should focus on region-wide issues
- from a practical perspective, with 20 councillors and a mayor, the governing body will need to retain a focus on big picture issues.

The ATA's allocation will apply until amended by the governing body. The governing body must make any future allocation using the principles in the act, and after considering the views and preferences of each local board. If a local board does not agree with a proposed allocation, the bill provides for a dispute resolution process.

The responsibilities of local boards may also change as the role of the governing body and the local boards develops and as regional and local plans are developed. The services provided by Auckland Council will also evolve over time in response to community views, local innovation and decisions by elected representatives.

The process to allocate non-regulatory decision-making

The ATA has reviewed all the current activities of local government in Auckland. We have not come up with a simple list of activities which local boards will be responsible for in their entirety. This is because local and regional government is responsible for a large number of activities, many of which have both a local and a regional component. It is therefore not a simple categorisation but the nature of the decision, and an understanding of the local component versus the regional component of an activity, that is important.

The ATA's allocation process involved:

- identifying the responsibilities directly given to either the governing body or local boards under the act
- analysing the non-regulatory activities in the LTCCPs of existing Auckland councils
- grouping these activities together where appropriate

- allocating non-regulatory responsibilities to local boards in line with the principles in the act
- applying a consistent approach
- talking to a range of experts from the existing Auckland councils, to assess the completeness of the activities and the appropriateness of the proposed allocation.

Table A: Non-regulatory governance responsibilities (below) summarises the ATA's thinking on the non-regulatory decision-making responsibilities of local boards and the governing body.

Further work is under way on how the first planning document will group Auckland Council's activities. This may differ from how we have grouped them in this document.

The roles of the governing body and local boards on regional matters

The act requires the governing body to consider the views of local boards when preparing regional documents. To reflect this, the table includes an important local board responsibility to identify and communicate local views on the strategies, policies, plans and bylaws of Auckland Council.

Local boards will be close to their communities and will know what their overall wishes and priorities are. Local boards will help their communities understand how any proposed strategies, policies, plans and bylaws may affect the local area. The local board will provide the governing body with feedback on the community's views on local impacts and any particular local needs.

The local boards will provide input into the regional strategic plan that is referred to in the bill as the spatial plan. The draft legislation provides for the spatial plan to give strategic direction for the growth and development of the Auckland region for the next 20 to 30 years, to integrate a wide range of objectives and priorities for the region, and to articulate Auckland's role within New Zealand. The framework will guide decision-making of the governing body, local boards and CCOs.

Bringing local knowledge into the spatial plan and ensuring that local boards have a good understanding of Auckland Council's overarching strategic direction will be critical.

The example below shows how a local board might be involved in the spatial plan.

Developing a spatial plan for Auckland

Situation

Auckland Council is developing the spatial plan for Auckland.

The role of local boards

The local board:

- engages with local communities to identify their interests and preferences for the long-term (20-30 years) direction for the Auckland region and for the local area
- considers the communities' views and works with Auckland Council staff to develop the content of the draft spatial plan as it relates to the local area. This includes the guidelines in relation to the future mix of land use activities for the local area
- works with the governing body and staff to determine what consultation events will take place on the draft spatial plan using the special consultative procedure, and who will be responsible for which events
- hosts public workshops, supported by staff
- advocates for changes to the draft spatial plan to reflect feedback received at the public workshops.

The roles of the governing body and local boards on service levels

The act enables local boards to propose variations to region-wide service levels. Table A (below) therefore includes a local board responsibility to propose local variations to region-wide service levels for most types of activities. However, there will be some situations where local boards cannot reduce service levels. Examples are where there is a national standard, where a reduced service would not meet health and safety or environmental protection standards or result in the prudent management of assets. Furthermore, Auckland Council will also develop policies that are likely to set region-wide minimum service levels across a range of activities.

Table A: Non-regulatory responsibilities, summarises the ATA's thinking on the non-regulatory decision-making responsibilities of local boards and the governing body. The table lists non-regulatory responsibilities given directly to local boards (such as proposing bylaws) or the governing body under the act, and responsibilities the ATA proposes to allocate to local boards using the principles in the act.

The table focuses on responsibilities that require political decision-making or oversight. The table does not cover day-to-day decisions that council staff make.

Table A: Non-regulatory responsibilities

Activity	Local board responsibilities (allocated in accordance with the principles of the act or directly given by the act)	Governing body responsibilities
<p>Governance, civic duties, leadership, advocacy, place shaping, community and stakeholder engagement and input</p>	<p>Decision-making and oversight in respect of:</p> <ul style="list-style-type: none"> • local place-shaping activities, including local leadership to create a local identity and celebrate community diversity • local strategic visioning, policy making and planning, including through local board plans • development of local policy positions such as determining areas in which activities may take place and local service levels (variations above/below region-wide standard) • community engagement, including with community organisations and special interest groups, to identify community interests, preferences and priorities across the four well-beings (social, economic, environmental and cultural) • civic duties, engagements and functions in the local area, including citizenship ceremonies and recognition of volunteers • communicating the interests and preferences of people in the local board area to the governing body relating to regional matters, including priorities for the region, regional strategies, policies, and plans, the number and general location of community facilities, libraries and parks and the delivery of Auckland Council services in the local area • input to the governing body relating to the direction and priorities of CCOs • engagement with Maori, Pacific and ethnic advisory boards and panels and other stakeholders • engagement and consultation with Maori, including local iwi and hapu • reports to the governing body on any matters of interest or concern to the board • communicating governing body views to local communities • advocacy to the governing body, CCOs and other agencies for the achievement of community interests, priorities and preferences. 	<p>Decision-making and oversight in respect of:</p> <ul style="list-style-type: none"> • region-wide place-shaping activities, including regional leadership to create Auckland's identity and celebrate community diversity • regional strategic visioning, policy making and planning • development of regional strategies, policies, plans and bylaws taking into account local interests, preferences and priorities • submissions to government on legislation • governance of CCOs, including statements of intent • allocation of decision-making to local boards (except for the initial allocation) • delegations to local boards • regional civic duties, engagements and functions • public engagement and consultation, including with special interest groups, on regional matters including regional strategies, policies, plans and bylaws. Note that consultation will often be through and with local boards • advocacy to central government departments and other agencies for achieving regional interests, priorities and preferences • engagement with CCOs • engagement with Maori, Pacific and ethnic advisory boards and panels and other engagement and consultation with Maori • engagement with other stakeholders.

Table A: Non-regulatory responsibilities

Activity	Local board responsibilities (allocated in accordance with the principles of the act or directly given by the act)	Governing body responsibilities
Strategic planning framework and policy	<p>Decision-making and oversight in respect of:</p> <ul style="list-style-type: none"> • local board plans • local planning strategies and policies, such as those contained in local board plans and in any transitional local strategies, policies and plans • advocacy to achieve local priorities relating to planning and land use and input into regional planning strategies, policies and plans. 	<p>Decision-making and oversight in respect of:</p> <ul style="list-style-type: none"> • regional planning strategies, policies and plans, including the spatial plan and district plan • public and private plan changes to the district plan and notices of requirements for designations • urban design and sustainable development strategies, policies and guidelines • integration of local planning strategies and policies with the region-wide planning framework • master plans for key strategic sites.
	<p>Note: Bylaws are an important mechanism to give effect to the strategic planning framework for Auckland. The act provides a role for both the governing body and local boards on bylaws. These roles are described in the section titled: Regulatory responsibilities on pages 33 to 38.</p>	
Arts and culture	<p>Decision-making and oversight in respect of:</p> <ul style="list-style-type: none"> • specific location, design, build and fit out of local arts and culture facilities • local arts and culture facilities, including changes of use of facilities • new local public artwork and works of art which have a functional purpose • local arts and culture programmes and events • variations to region-wide service levels for the local area, such as opening hours, fees and charges • advocacy to achieve local priorities relating to arts and culture and input into regional arts and culture strategy and policy. 	<p>Decision-making and oversight in respect of:</p> <ul style="list-style-type: none"> • regional arts and culture strategy and policy • number and general location of arts and culture facilities • regional arts and culture facilities such as the Aotea Centre • new regional public artwork and works of art which have a functional purpose • development, maintenance and access to the regional visual arts collection, including exhibitions and interpretive programmes • regional arts and culture programmes and events • region-wide service levels and guidelines, such as opening hours, fees and charges. <p>Note: Decisions in relation to some regional arts and culture facilities are likely to be the responsibility of the proposed regional facilities CCO. Accordingly, the key role for the governing body in relation to these facilities is likely to relate to the adoption of regional strategies and policies and to the governance of the CCO, including through a statement of intent.</p>

Table A: Non-regulatory responsibilities

Activity	Local board responsibilities (allocated in accordance with the principles of the act or directly given by the act)	Governing body responsibilities
Community development	<p>Decision-making and oversight in respect of:</p> <ul style="list-style-type: none"> • specific location, design, build and fit-out of local community facilities, including citizens advice bureaux • local community facilities, including leasing and changes of use • tailored community programmes in the local area, such as youth, community safety, graffiti reduction and migrant advice services • community advisory services • variations to region-wide service levels for the local area, such as opening hours, fees and charges • local social housing, such as housing for the elderly • advocacy to achieve local priorities relating to community development, including community safety, and input into regional community development strategy and policy. 	<p>Decision-making and oversight in respect of:</p> <ul style="list-style-type: none"> • regional community development strategy and policy, including community safety • number and general location of community facilities, including citizens advice bureaux • regional community facilities • regional community programmes, which can then be tailored to local needs, such as youth, community safety, graffiti reduction, migrant advice services • region-wide service standards and guidelines, such as opening hours, fees and charges • regional social housing, such as housing for the elderly.
Libraries	<p>Decision-making and oversight in respect of:</p> <ul style="list-style-type: none"> • specific location, design, build and fit out of local libraries such as library furniture, fittings and artwork • design and type of community facilities within libraries such as learning facilities, meeting spaces • local exhibitions, programmes and events within libraries • local collections such as bequests to specific libraries or local areas • variations to region-wide service standards for the local area, such as opening hours, fees and charges • advocacy to achieve local priorities relating to library services and input into regional libraries' strategy and policy. 	<p>Decision-making and oversight in respect of:</p> <ul style="list-style-type: none"> • libraries strategy and policy • number and general location of new libraries • the libraries' collection policy and practice (including development and maintenance) • region-wide service standards and guidelines for library services such as opening hours, fees and charges • regional exhibitions, programmes and events within libraries.

Table A: Non-regulatory responsibilities

Activity	Local board responsibilities (allocated in accordance with the principles of the act or directly given by the act)	Governing body responsibilities
Recreation and sports (including sports stadiums)	<p>Decision-making and oversight in respect of:</p> <ul style="list-style-type: none"> • specific location, design, build and fit-out of local recreation and sports facilities • local recreation and sports facilities, including variations to regional policy relating to leasing and changes of use • local recreation and sports programmes • variations to region-wide service standards for the local area, such as opening hours, fees and charges • advocacy to achieve local priorities relating to recreation and sports and input into regional recreation and sports strategy and policy. 	<p>Decision-making and oversight in respect of:</p> <ul style="list-style-type: none"> • regional recreation and sports strategy and policy • number and general location of recreation and sports facilities (including sports stadiums) • regional recreation and sports facilities (including sports stadiums) • regional recreation and sports programmes, which can then be tailored to local needs • region-wide service standards and guidelines, such as water quality for swimming pools, fees and charges. <p>Note: Decisions in relation to regional recreation and sports facilities (including sports stadiums) are likely to be the responsibility of the regional facilities CCO. Accordingly, the key role for the governing body in relation to these facilities is likely to relate to the adoption of regional strategies and policies and to the governance of the CCO, including through a statement of intent.</p>
Open space (including beaches, volcanic cones, parks, reserves and farming of regional parks)	<p>Decision-making and oversight in respect of:</p> <ul style="list-style-type: none"> • specific location of new local parks • reserve management plans for local parks • local open space improvements and place shaping, such as type and location of park benches, lighting and landscaping, and other contributions to the distinctiveness of local open spaces • community events in local parks • community planting programmes in local parks • maintenance of local parks • variations to region-wide service levels for the local area, such as mowing frequency, planting and weed control • advocacy to achieve local priorities relating to open space and input into regional open space strategy and policy. 	<p>Decision-making and oversight in respect of:</p> <ul style="list-style-type: none"> • regional open space strategy and policy, including open space network plan and volcanic cones strategy • reserve management plans for regional parks • parks design guidelines • number and general location of new parks, including land acquisitions and divestments • disposal of surplus parks • improvements to, maintenance and use of regional parks, walkways and beaches • farming of regional parks • opportunities for outdoor recreation, accommodation (in baches, lodges and camping grounds) and events within regional parks • region-wide service levels such as mowing frequency, planting and weed control.
		<p>Note: The Crown and the Tamaki Collective of 12 mana whenua iwi and hapu (to be known as Nga Mana Whenua o Tamaki Makaurau) signed a framework agreement on 12 February 2010. Under the agreement, Crown-owned parts of 11 maunga/volcanic cones in the Auckland region will be vested in the Tamaki Collective and governed by a statutory body comprising equal membership of the Collective and Auckland Council. How the governing body and the local boards will be involved in the co-management of the maunga/volcanic cones needs to be worked through.</p>

Table A: Non-regulatory responsibilities

Activity	Local board responsibilities <small>(allocated in accordance with the principles of the act or directly given by the act)</small>	Governing body responsibilities
Street environment and town centres	<p>Decision-making and oversight in respect of:</p> <ul style="list-style-type: none"> improvements to local centres and town centres which have a local rather than a wider impact use of local open spaces for local community events, including temporary occupation and banners and signage tailored local programmes to target graffiti, such as physical deterrent projects, community education and volunteer programmes variations to region-wide service levels for the local area, such as rubbish removal and graffiti and weed control advocacy to achieve local priorities relating to street environment and town centres and input into relevant strategy and policy, including the classification of town centres. 	<p>Decision-making and oversight in respect of:</p> <ul style="list-style-type: none"> street environment and town centres strategy and policy, including the classification of town centres centres design guidelines and precinct plans improvements to principal centres (as identified in the governing body's classification of centres) significant improvements to town centres region-wide public assets, such as the types of amenities in the CBD region-wide service levels, such as rubbish removal, graffiti, and weed control banners and signage for regional community events.
<p>Note: Auckland Transport will generally be responsible for matters falling within the road corridor, in such cases the governing body or the local boards, as appropriate, will need to work with Auckland Transport to delegate a range of local decisions to local boards, within parameters that do not unduly compromise traffic flow, traffic safety and asset integrity.</p>		

Table A: Non-regulatory responsibilities

Activity	Local board responsibilities (allocated in accordance with the principles of the act or directly given by the act)	Governing body responsibilities
Economic development	<p>Decision-making and oversight in respect of:</p> <ul style="list-style-type: none"> political representation where requested on local Mainstreet associations and Business Improvement District (BID) programme executive boards local centre branding and marketing local business events allocation of funding for improvements to local Mainstreet and business areas by relevant Mainstreet and business associations and BID boards, such as street furniture, the look and feel of an area, public art, open space enhancements and community safety improvements, such as CCTV and lighting advocacy to achieve local priorities relating to economic development and input into related regional strategy and policy. 	<p>Decision-making and oversight in respect of:</p> <ul style="list-style-type: none"> regional economic development strategy and policy, such as Auckland economic development strategy, investment framework, BID policy research, such as infrastructure needs, labour market, industry and sector research advocacy, such as for convention centres, regeneration projects and submissions on legislation economic sector development programmes, such as in the tourism, creative and biotechnology sectors, as well as support for industry clusters region-wide and principal centres branding and marketing investment attraction and retention programmes regional business events international relationships, including sister cities labour market support programmes, such as partnerships with tertiary and vocational providers as well as migrant attraction CBD Board recommendations business support skills training and enterprise development programmes, such as skills matching and capability building. <p>Note: Many of these activities are likely to be the responsibility of the economic development CCO. Accordingly, the key role for the governing body is likely to relate to the adoption of regional strategies and policies and to the governance of the CCO, including through its statement of intent.</p>

Table A: Non-regulatory responsibilities

Activity	Local board responsibilities (allocated in accordance with the principles of the act or directly given by the act)	Governing body responsibilities
Events	<p>Decision-making and oversight in respect of:</p> <ul style="list-style-type: none"> • local events, including attraction, development, delivery and promotion • local events sponsorship • advocacy to achieve local priorities relating to regional events and input into regional events strategy and policy. 	<p>Decision-making and oversight in respect of:</p> <ul style="list-style-type: none"> • regional events strategy and policy, including region-wide events plan • events facilities, such as Vector Arena • coordinating regional events, including attraction, development, delivery and promotion • regional events sponsorship • facilitation of filming, and film consenting/permitting. <p>Note: Many of these activities are likely to be the responsibility of the events and/or regional facilities CCOs. Accordingly, the key role for the governing body is likely to relate to the adoption of regional strategies and policies and to the governance of the CCOs, including through statements of intent.</p>

Table A: Non-regulatory responsibilities

Activity	Local board responsibilities (allocated in accordance with the principles of the act or directly given by the act)	Governing body responsibilities
Environmental protection	<p>Decision-making and oversight in respect of:</p> <ul style="list-style-type: none"> input into regional natural and cultural heritage and conservation programmes and projects, and tailoring regional programmes to local circumstances, such as Waicare, Enviroschools, tree planting, heritage walks, plant and animal pest management programmes assistance in identifying significant natural and cultural resources for conservation input into regional coastal and freshwater management programmes and projects and tailoring regional programmes to local circumstances, such as beach and stream clean-ups input into regional education programmes to improve air, water and stormwater quality, minimise waste, and tailoring regional programmes to local circumstances local stormwater quality and waste management projects within regional parameters variations to region-wide service levels for the local area such as refuse and recycling services advocating to achieve local priorities to protect the environment, and input into environmental strategy and policy and bylaws. 	<p>Decision-making and oversight in respect of:</p> <ul style="list-style-type: none"> regional environmental strategy and policy, including natural and cultural heritage, biosecurity and pest management, coastal and freshwater management, land and soil management and air, water and stormwater quality advocating to protect significant natural and cultural heritage resources through statutory and non-statutory processes regional natural and cultural heritage and conservation programmes and projects, such as Waicare, Enviroschools, tree planting, heritage walks and plant and animal pest management regional coastal and freshwater management programmes and projects, such as beach and stream clean-ups regional projects and programmes relating to improving air, water and stormwater quality and minimising waste region-wide water quality standards and targets within national parameters region-wide air quality standards and guidelines within national parameters management of the stormwater network, including the stormwater infrastructure investment plan region-wide minimum service levels for stormwater governance of Watercare Services Ltd, including statement of intent integration of four waters (water, stormwater, greywater, wastewater) strategy, policy and planning the waste management plan standards and guidelines for waste management and disposal region-wide service standards, such as refuse and recycling services landfill management.

Table A: Non-regulatory responsibilities

Activity	Local board responsibilities (allocated in accordance with the principles of the act or directly given by the act)	Governing body responsibilities
Financial and asset management	<p>Decision-making and oversight in respect of:</p> <ul style="list-style-type: none"> • local board plans, including proposing variations to region-wide service standards for the local area and proposals for local revenue raising, such as targeted rates • local board agreements to be agreed between the governing body of Auckland Council and each local board • implementing local board agreements, including monitoring and reporting • prioritising local capital works projects • approving design specifications for local capital works • allocating funding and operational grants to community interest organisations, locally focused trusts, and special interest groups • advocating to reflect local preferences on financial management, and input to regional financial strategy and policy. 	<p>Decision-making and oversight in respect of:</p> <ul style="list-style-type: none"> • regional financial strategy and policy • decisions under the Local Government Act 2002, including raising rates, developing LTCCPs and annual plans and reports, and decisions relating to financial management • implementing LTCCPs and annual plans, including monitoring and reporting (but excluding implementing local board agreements) • capacity of Auckland Council to provide, or ensure the provision of, services and facilities including local activities • local boards funding policy, including a funding formula to allocate funds between local boards • financial support to local boards, including for local board support staff • local board agreements to be agreed between the governing body of Auckland Council and each local board • policy for development contributions and financial contributions. Development contributions are collected from developers to help fund new infrastructure required by growth, and include financial contributions • funding to be allocated to Auckland Transport through the Auckland Regional Land Transport Programme and LTCCP process • allocating regional funding and operational grants • asset management planning, including determining region-wide baseline (standard) service levels, and capital works planning • regional capital works projects, including new asset creation, existing asset enhancement, and asset renewals.

Next steps

Table A proposes the initial allocation of responsibilities to local boards at a general level. The next step is to consider individual facilities, programmes and projects across the region and decide whether they are local or regional in nature. For example, Table A proposes that local boards should be responsible for local events. The ATA will consider all events and decide if they are local or regional, and if local, which local board should be responsible for each of the local events.

The specific responsibilities of individual local boards will vary for local activities depending on the scale, number and type of services delivered in the local board area. This means the responsibilities of one local board may be different to those of another local board.

Once responsibilities for each local board are set, a budget that supports these will be developed.

Table B (below) illustrates what this next step could look like. It includes examples of specific programmes, events or services classified as regional or local in nature, that the governing body and the local boards would respectively take responsibility for. As the table is for illustration only, it does not contain an exhaustive list.

Table B: Illustrative example of local board and governing body activities

Example activities	Examples of local board responsibilities	Examples of governing body responsibilities
Events	Manurewa Kite Day Clevedon Mid-Winter Plunge Papakura Spring Carnival Papakura Sounds at Sunset Concerts Waiheke Island Carols by Candlelight Manaakitanga (Rodney hospitality sector) Awards Ki O Rahi Traditional Games	Rugby World Cup 2011 Pasifika Festival Christmas in the Park
Open Space: Parks and reserves	Crawford Reserve (Howick) Otamariki (Otara) Regents Reserve (Remuera) Heron Park (Avondale) Ray Small Park (Papakura) Central Park (Papakura) Semillon Reserve (Henderson) Onedin Green (Titirangi) Kevin Lawrence Reserve (Waiuku) Cape Hill (Pukekohe) Warkworth Showgrounds Onepoto Basin (Birkenhead) Sanders Reserve (Paremoremo)	Waitakere Ranges Auckland Domain Auckland Botanic Gardens Wenderholm Regional Park Omana Regional Park Tawharanui Regional Park
Arts and Cultural facilities	Otara Music Arts Centre Nathan Homestead Hawkins Theatre Papakura Art Gallery The Pump House Mairangi Arts Centre Kumeu Arts Centre Centrestage Theatre Playhouse Theatre Titirangi Theatre Estuary (Orewa) Arts Centre	Aotea Centre Auckland Art Gallery Auckland Museum MOTAT Auckland Maritime Museum Telstra Clear Pacific Events Centre Bruce Mason Centre

Example activities	Examples of local board responsibilities	Examples of governing body responsibilities
<p>Community Development: Community facilities</p>	<p>Whangateau Hall Freemans Bay Community Hall Orakei Community Centre Takanini Hall Alfriston Hall Titirangi War Memorial Hall Kelston Community Centre Clendon Park Community House Maraetai Community Hall Waiuku Community Hall Beach Haven Community House Albany Hall</p>	
<p>Community Development: Programmes</p> <p>(Auckland Council works with external organisations and stakeholders to develop and deliver programmes)</p>	<p>An education programme aimed at improving international students' safety in the CBD.</p> <p>A youth development programme to create a superhero for Riverside (an area of high deprivation) and paint a mural of the hero.</p> <p>A water education programme in Piha to improve water quality and to promote water conservation.</p> <p>A health programme in Otara, Papatoetoe and Mangere which uses teaching gardens in parks to teach people to grow their own vegetables.</p> <p>A music training programme, Rock Camp Rodney, which helps young people to develop their skills.</p>	<p>A disability leadership programme, e.g. Stepping up Auckland.</p> <p>Setting up a youth council to represent young people in Auckland.</p> <p>A sporting programme for people aged 65 and over (this kind of programme could be centrally developed but tailored to local circumstances by local boards).</p>

While tables can divide activities into regional and local activities, most activities involve both regional and local decisions. This highlights the complementary decision-making roles of the two parts of Auckland Council.

The example below shows how both regional and local decision-making is important in building a new library.

The role of the local board in providing a new library

Situation

A local board area does not currently have a library and so residents use libraries in nearby suburbs. The number of residents living in the area has grown a lot over the past five years and is likely to keep growing. The libraries in nearby suburbs are finding it difficult to provide services to all the residents who want to use them.

The role of the local board

- The local board has found out through the local board plan process that residents would like to have a library in their suburb. The local board presents this to the governing body through its draft local board agreement.
- The governing body agrees that the local board area needs a new library and that it fits in with the current regional network of libraries. The governing body budgets for the building of the new library in its annual plan.
- The local board consults with the community and decides where the library should be located.
- The local board, working with the community, decides on the design of the library. This includes deciding whether it should include facilities like meeting spaces or learning centres.
- The local board needs to design the library within the budget set by the governing body. If the local board's preferred design costs more, the local board and the governing body need to discuss how to meet the additional cost. This might be through locally raised funding.
- The local board approves the design and final cost of the library, and agrees to the letting of the contract. The local board receives reports on how the building is progressing.
- The governing body makes decisions about service levels for all libraries. For example, the governing body may decide on standard opening hours, with rates covering the cost of opening for these hours.
- The community tells the local board they would like the library to be open longer than the standard hours. The local board negotiates the additional funding required with the governing body.

Regulatory responsibilities

Under the act, regulatory activities are generally the responsibility of the governing body. The act enables the governing body to delegate regulatory responsibilities to local boards. There are some exceptions to this including the making of bylaws.

The ATA cannot delegate regulatory activities to local boards, only the governing body can do this. However, to give a more complete picture of the role of local boards we have considered the potential roles that local boards could play in Auckland Council's regulatory activities.

Many regulatory responsibilities of councils are of significant interest to local communities. These responsibilities include decisions on where brothels are located and whether you can exercise dogs or drink liquor in local parks. Bylaws usually control these matters. Along with bylaws, the regulation of development through resource consents is of significant interest to local communities.

The following section of this paper describes Auckland Council's regulatory responsibilities and the potential role of local boards, with specific focus on bylaws and land use and development.

Bylaws

A bylaw is a rule or regulation made by a council that affects the public and requires something to be done, or in some cases not to be done. Bylaws stem from various national legislation which empower councils to regulate activities not covered under their district plans. Often, a council will develop a policy then adopt and enforce a bylaw to implement the policy.

The bill provides that the bylaws of existing Auckland councils will continue in effect until they are confirmed, amended or revoked by Auckland Council (or Auckland Transport for transport bylaws). The bill requires a review of existing bylaws by 31 October 2015. The role of local boards in relation to bylaws is likely to be quite limited on day one, but will change over time as Auckland Council reviews existing bylaws and develops new ones.

The act provides a role for both the governing body and local boards. The governing body is responsible for making regional bylaws, approving draft local bylaws to be released for public consultation, and making local bylaws. It cannot delegate the responsibility to make a bylaw.

Under the act, local boards are responsible for:

- identifying and communicating the interests and preferences of people in the local board area on the content of regional bylaws
- identifying and developing local bylaws and proposing them to the governing body, either as individual local boards or jointly with other boards. This is described further below.

Local boards could also potentially be responsible for:

- making a decision on a draft regional bylaw (or related policy) delegated to it by the governing body
- making a delegated decision under a regional bylaw (after the bylaw has been adopted).

The options for the governing body to delegate decisions to local boards are described below.

Local bylaws

For very specific local purposes, local boards could propose local bylaws as an alternative to providing input on or making decisions under regional bylaws. For example, local bylaws might be the best option where the behaviour or activity to be controlled is specific to one or a small number of local board areas, or where there is a specific geographic feature that justifies its own bylaw. Activities in Orakei Basin for example, could fit into this category. In these circumstances, a local bylaw could be appropriate as long as it would not have any wider implications.

Decisions on a draft regional bylaw delegated to the local board by the governing body

The act allows the governing body to delegate to local boards any decision on a draft bylaw, other than the final decision to make the bylaw. In other words, local boards could potentially make the various decisions leading up to the final approval of a bylaw. An example of how this could work for dog control is provided below.

Decisions made under a regional bylaw (after the bylaw has been adopted)

In addition to the bylaw roles set out in the act, a regional bylaw could delegate decisions to be made under the bylaw to local boards. The bylaw could set a framework for regulation of an activity, but delegate decisions on the detail to local boards once the bylaw is in force. For example, a regional bylaw could provide a framework for drinking in public places with local boards making decisions on the specific local parks in which liquor is prohibited. This approach is lawful as long as the discretion delegated under the bylaw is not so great as to be unreasonable, and there is nothing in related legislation that requires the detailed controls to be set out in the bylaw itself. For example, the Dog Control Act 1996 requires the detailed controls to be specified in the regional policy and bylaw. This means that the governing body could not delegate decisions under the dog control bylaw to local boards.

In many cases, a decision delegated under a bylaw would have to be made within the parameters of a regional policy or set out in the bylaw. This would ensure that the overall effect of all delegated decisions is lawful and that activities of concern to communities are not simply shifted from one local board area to another. For example, if decisions on the location of brothels were delegated to local boards under a regional bylaw, there would need to be parameters within the bylaw, to guide the decisions of the local boards to ensure that reasonable provision is made for brothels within Auckland (as required by the Prostitution Reform Act 2003). Local boards however, could be delegated decision-making around specific locations for brothels.

As part of the bylaw review, Auckland Council will decide how much decision-making is delegated to local boards under regional bylaws and what regional policies and parameters should apply.

Which option is most appropriate for local board involvement in bylaws will depend on the type of bylaw, the relevant legislation and the nature of the activity to be controlled. In some cases, a combination of these options will be most effective. Three examples to illustrate the options are provided below.

How a local board proposes a local bylaw

Situation

In response to community concern, the Waiheke and Great Barrier local boards want to introduce stricter rules relating to people living on houseboats in estuaries.

How local boards might be involved

- The local boards engage with local communities to identify their views and preferences in relation to living on houseboats.
- The local boards collaborate with each other to draft a local bylaw proposal and present it to the governing body for approval.
- The governing body approves the local bylaw for consultation.
- The local boards oversee consultation on the draft bylaw using the special consultative procedure.
- The local boards agree to changes to the bylaw to reflect feedback received during consultation and notifies the governing body of the changes.
- The governing body makes the bylaw.

The role of the local board in making a delegated decision on a draft regional bylaw or related policy

Situation

Under the Dog Control Act 1996, the Auckland Council is required to have a dog control policy for the region and a bylaw to give effect to the policy. The policy and bylaw must specify, among other things, dog exercise, off-leash and leashed areas and areas in which dogs are prohibited.

How local boards might be involved

- In the context of developing the draft dog control policy, the governing body decides to delegate decisions on the location of dog exercise, off-leash and leashed areas and dog prohibited areas to local boards, with each board to identify locations within their local area.
- The local boards engage with their communities to identify their views and preferences on locations for dog exercise, off-leash and leashed areas and dog prohibited areas.
- Neighbouring local boards work with each other to ensure that the locations proposed for one local board area do not have unintended impacts on another local board area.
- The local boards provide the locations to the governing body.
- The governing body incorporates the recommended locations as schedules to the dog control policy and develops a bylaw to give effect to the policy.
- The local boards assist the governing body to consult on the policy and bylaw using the special consultative procedure.
- The governing body makes the bylaw.

The role of the local board in providing input on a regional bylaw and making a delegated decision under the bylaw

Situation

Auckland Council is reviewing its liquor control in public places bylaw.

How local boards might be involved

- The local board engages with local communities to identify their views and preferences in relation to the consumption of liquor in public places.
- The local board provides input into the regional liquor control bylaw to reflect community views and preferences, including:
 - advocating for a total ban on the possession and consumption of liquor in certain public places
 - advocating for local boards to decide by formal resolution what public places in their area should be subject to the ban
 - suggesting criteria for local boards to consider when deciding what public places should be subject to the ban.
- The local board assists the governing body to consult on the bylaw using the special consultative procedure.
- Once the bylaw is in force, the local board decides which specific local public places should be subject to the ban, having considered the criteria in the bylaw and consulted local communities, neighbouring local boards and the police. The local board would make a formal resolution detailing these places that would be publicly available.

Under the bill, Auckland Transport is responsible for making bylaws relating to transport matters. Like the governing body, Auckland Transport is able to delegate its responsibilities to local boards. There are some exceptions, including making a bylaw. Accordingly, there is potential for some decisions under transport bylaws, such as locations for residents' parking areas, to be delegated to local boards. Transport matters are discussed in more detail in the section titled: Council-controlled organisations.

Responsibilities of the governing body and local boards on bylaws

Table C: Responsibilities of the governing body and local boards on bylaws lists:

- regulatory responsibilities of the governing body under the act relating to making bylaws (excluding transport) and adopting a regional gaming venue policy
- responsibilities of local boards under the act to provide input on regional bylaws and policies.

The table also identifies some responsibilities that the governing body could potentially decide to delegate to local boards, such as decisions that could be made by local boards under a regional bylaw (once the bylaw is in force) or decisions that could be made by local boards prior to the making of a bylaw to be included in the bylaw. These are decisions for Auckland Council to make in the context of reviewing all Auckland bylaws.

Table C: Responsibilities of the governing body and local boards on bylaws

Regulatory activity	Governing body responsibilities	Local board responsibilities and potential delegations
Liquor	<p>Adopt a liquor control in public places policy (a bylaw being the likely mechanism to implement the policy).</p> <p>Exercise the duties and powers of a district licensing authority under the Sale of Liquor Act 1989.</p>	<p>Identify and communicate the interests and preferences of people in the local board area on the regional liquor control policy and bylaw.</p> <p>Make decisions within regional parameters, on what local parks are subject to liquor bans and the relaxation of bans for local events if delegated to them by the governing body.</p>
Dog control and animal management	<p>Adopt a dog control policy and make a bylaw to give effect to the policy under the Dog Control Act 1996.</p> <p>Adopt an animal management policy, such as the keeping of poultry, bees and pigs (a bylaw being the likely mechanism to implement the policy).</p>	<p>Identify and communicate the interests and preferences of the people in its local board area on the regional dog control policy and bylaw and on the regional animal management policy and bylaw.</p> <p>Make decisions within regional parameters, on locations for dog exercise areas, leashed and off-leash areas and areas in which dogs are prohibited, if delegated to them by the governing body in the context of developing the dog control policy.</p> <p>Make decisions, within regional parameters, on animal management, such as locations in which the keeping of poultry, bees and pigs is permitted if delegated to them by the governing body.</p>
Public places	<p>Adopt a public places policy (a bylaw being the likely mechanism to implement the policy).</p>	<p>Identify and communicate the interests and preferences of the people in its local board area on the regional public places policy and bylaw.</p> <p>Make decisions, within regional parameters, on behaviour in local parks, such as whether skateboarding and horse riding is permitted if delegated to them by the governing body.</p> <p>Make any decisions on street trading delegated to local boards by either the governing body or Auckland Transport (depending on whether this is controlled through Auckland Council's public places bylaw or Auckland Transport's bylaw).</p>
Health and food licensing and cemeteries and crematoria	<p>Adopt a health and food licensing policy within national parameters, including national legislation and standards (bylaws being the likely mechanism to implement the policy).</p> <p>Adopt a policy for council-owned cemeteries and crematoria (a bylaw being the likely mechanism to implement the policy).</p>	<p>Identify and communicate the interests and preferences of the people in its local board area on health and food licensing and cemeteries and crematoria policies and bylaws.</p> <p>Make any decisions delegated to local boards by the governing body.</p>
Gambling and gaming	<p>Adopt a gambling and gaming policy within national parameters, including a gambling venue policy on the location, restrictions on numbers of machines and fees for gaming venues outside of casinos (required under the Gambling Act 2003), and a New Zealand racing board policy on the location of standalone TABs (required under the Racing Act 2003).</p>	<p>Identify and communicate the interests and preferences of local communities on gambling and gaming policy.</p> <p>Make decisions within regional parameters, on locations for gaming venues outside casinos and standalone TABs within the local board area if delegated to them by the governing body.</p>
Brothels and commercial sex premises	<p>Adopt a brothels and commercial sex premises policy (a bylaw being the likely mechanism to implement the policy).</p> <p>This will need to make reasonable provision for brothels and commercial sex premises within Auckland (a requirement of the Prostitution Reform Act 2003).</p>	<p>Identify and communicate the interests and preferences of the people in its local board area regarding the regional brothels and commercial sex premises policy and bylaw.</p> <p>Make decisions within regional parameters, on the location of and signage for brothels and commercial sex premises within local areas if delegated to them by the governing body.</p>

Land use and development regulation

The governing body is responsible for developing the district plan, which gives effect to the Resource Management Act 1991 and sets the regulatory framework for resource consents. Local boards have an important input and advocacy role, communicating the interests and preferences of people in the local board area on the content of the district plan. The role of local boards (and the governing body) is more limited in relation to the regulatory framework for building consents, as the requirements are set out in the Building Act 2002 and the national building code.

The governing body is also responsible for setting policy for resource consents, building consents, designations, requirements for heritage orders and consent compliance. This includes setting region-wide service standards for consent processing, where there is discretion provided for in the legislation, such as charges or quality of information provided to the public. Staff will make operational decisions for these regulatory activities.

Local boards will have an input and advocacy role on resource consents. For example, along with providing input on the content of the district plan, they could identify local communities' views on the environmental effects of proposed developments requiring resource consent in the local area.

Auckland Council will need to agree a policy on whether resource consents hearings are undertaken by elected representatives or independent commissioners. If the model is for elected representatives to be involved in resource consents, the governing body could decide to delegate decision-making responsibilities in relation to certain types of resource consent applications to local boards.

Other statutory activities

Other activities given to councils under national legislation that will be the responsibility of the governing body include:

- harbourmaster responsibilities, duties and powers
- civil defence and emergency management (including rural fire service)
- hazards management.

These activities have regulatory and non-regulatory components. However, because of the legislative framework and the need for regional coordination, the ATA does not envisage there would be much delegation of these responsibilities to local boards. However, local boards may have a role in providing input on associated regional educational programmes and tailoring regional programmes to local circumstances.

Support for local boards

Local boards will need strong and tangible support. Getting this right is key to ensuring that local boards provide effective local democracy and decision-making.

The ATA is responsible for setting up the initial support that the Auckland Council organisation will provide to the local boards. The ATA will put support in place that enables the local boards to operate effectively from day one. An important early support role will be working with the local boards to develop their first local board plans and agreements.

The support arrangements are part of the overall organisational arrangements being developed for Auckland Council.

The detailed design of the organisational support for local boards will be completed after the release of this discussion document. The size, scale and number of roles directly supporting local boards will be determined during this detailed design phase and once the Local Government Commission has reached its final decision on the number and boundaries of local boards.

The chief executive is responsible for providing support to local boards which will be drawn from across the Auckland Council organisation, and CCOs, on specific matters as well as a team dedicated to local board support. The chief executive is responsible for implementing local board decisions and local board agreements.

Our approach to the support model

The ATA is using the following criteria to develop the support model:

- Auckland Council staff as a whole serve both the governing body and local boards
- local boards will receive advice that is objective, timely and organisationally consistent
- advice provided to local boards will be provided by functional specialists where possible
- the local boards will be effectively supported from day one
- the structure must encourage communication and be flexible to meet local circumstances
- local board services will be delivered cost-effectively.

The management structure

The high-level structure already approved by the ATA includes a Manager Local Board Services at a senior level in the organisation. This manager will have staff dedicated to local boards to provide the support.

Manager Local Board Services provides the following support:

- coordinate strategy, policy, and operational advice on matters of local interest and support policy development
- develop local board plan content
- develop content of local bylaws to propose to governing body
- support the negotiation of local board agreements with the governing body
- build effective relationships with CCOs and other parts of the Auckland Council organisation to ensure agreed service levels are being met and local board decisions are implemented
- coordinate reporting to local boards on service delivery and implementation of the local board agreements
- support local board input into regional strategies, policies, plans and bylaws and any other submissions
- support engagement with the community, other Auckland Council groups, CCOs and other agencies and local boards
- develop and put in place a consultation plan that supports the local board plan
- first point of contact for local board members
- secretarial and administrative support
- manage any external expertise required to provide advice to local boards
- ensure that Auckland Council provides appropriate systems and systems support.

The Manager Local Board Services will also have access to other staff from across the Auckland Council organisation to provide the following support:

Support provided by other staff in the Auckland Council includes:

- service delivery
- specialist policy advice (such as land use planning)
- communications advice
- financial planning, management accounting and reporting
- procurement
- advice on democratic processes
- election management
- spatial, environmental, economic and community development policy
- customer services (such as responses to queries)
- property management
- legal and human resources advice
- information systems and support.

Location of staff and local board meeting spaces

Most staff reporting to the Manager Local Board Services will be located in offices across the region. This will ensure local boards have the support they need and that effective relationships are built with organisations and communities.

To ensure critical mass, each office will support a number of boards. This will also facilitate working relationships between boards.

Local boards are likely to want to hold meetings locally and have other local facilities such as places to meet with the local community and stakeholders. Work is under way looking at how to meet these requirements and how they may relate to local service centres.

Local boards working with the rest of Auckland Council and the community

Working with the rest of Auckland Council

Local boards are responsible for a wide range of activities covering many of Auckland Council's services. To be effective they will need to work closely with the governing body, the mayor, CCOs and the Auckland Council organisation, and with other local boards as required.

The Auckland Council's local boards, governing body, mayor and CCOs will need to decide how they will work together. However, the ATA will develop suggestions and options for Auckland Council to consider on the ways local boards could work with others in practice. The examples below give an idea of how this could work.

Working with the governing body

Trust and cooperation will need to form the basis of the relationship between the two complementary parts of Auckland Council.

The local board agreement is a formal way for the local board and governing body to engage on local service delivery and funding. Local boards will also provide input to strategies and policies developed by the governing body.

Other mechanisms such as regular meetings of elected members of the governing body and chairs of the local boards could be used. This would enable councillors to get local views on region-wide strategic matters, and for local boards to share their communities' views and priorities.

It is expected that the two parts of Auckland Council will generally work collaboratively together and reach agreement through consultation and negotiation. If this is not possible, the bill proposes a process to resolve disputes on the allocation of non-regulatory activities, bylaws proposed by local boards and the local board agreement.

Working with the mayor

The mayor needs to ensure that Auckland Council engages effectively with the people of Auckland. The local boards will provide a channel for the mayor to access local communities and understand their wishes and priorities. The mayor will also be able to engage with the local boards on regional priorities. The mayor and chairs of local boards might meet on a scheduled basis, and the mayor may decide that a schedule of visits to local boards is an effective way to engage with local boards.

Working with other local boards

The bill proposes that local boards should work with other local boards where the interests and preferences of their communities align. They may wish to work together to discuss common issues or an issue affecting more than one local board area. Local boards would be able to decide how best to do this. They might, for example, meet periodically with neighbouring boards or set up joint board committees.

Working with the Auckland Council organisation

The two-part governance model means that some staff will support both the governing body and local boards. The ATA is thinking about how to manage the demands on staff time as part of its work on the new organisational structure.

The chief executive and the Manager Local Board Services may agree protocols with local board chairs to ensure effective working relationships and appropriate support to carry out their roles.

Working with the community

Local boards will need to form close working relationships with the community and organisations that are important in the local board area.

Local boards will develop close connections with their communities, and will need to actively and regularly engage with them to understand their views.

The local boards will work closely with a wide range of stakeholders to meet the communities' needs, tackle any local issues such as youth unemployment, settlement of migrants and crime, and to identify priorities through the local board planning process.

These stakeholders might include central government agencies delivering services locally, voluntary organisations and volunteers, business groups and community groups.

Local board members will have the opportunity to participate in the Auckland Social Policy Forum recently announced by the government. This forum provides the first formalised structure for political leaders in Auckland and central government to discuss social priorities and in turn drive action on the ground. The Government has agreed that membership of the Forum will consist of the Minister for Social Development and Employment, the Mayor of Auckland and the chairs of relevant council committees and representatives from local boards.

Work is under way on how local boards may work with the ethnic advisory panel and Pacific peoples advisory panel proposed by the bill.

Local boards will consider feedback on services provided by the community and local stakeholders.

This informal feedback will supplement regular reports to the local board to keep them informed on local service delivery and matters of local importance.

Working with Maori

The participation of Maori in local government requires special consideration under the Treaty of Waitangi and other law, including the Local Government Act 2002 and the Resource Management Act 1991. In particular, the Local Government Act 2002 requires that local authorities provide ways for Maori to contribute to decision-making, and the Resource Management Act 1991 requires local authorities to take into account the principles of the Treaty of Waitangi.

The bill proposes an independent statutory board for mana whenua and Maori of Tamaki Makaurau. This board will help Auckland Council carry out its role by promoting cultural, economic, environmental and social issues of significance to Maori, identify and prioritise significant issues, advise Auckland Council on matters affecting mana whenua and Maori, and work with Auckland Council on the documents and processes to implement the Auckland Council's statutory responsibilities towards Maori and mana whenua.

Auckland Council will need to consider what other processes are required to ensure Maori have the opportunity to contribute to decision-making. This will need to consider existing relationships with Maori, and whether these relationships should be with the governing body or local boards.

Council-controlled organisations

The Local Government Act 2002 empowers councils in New Zealand to establish CCOs. This originated as part of the 1989 reforms of local government. An organisation is a CCO if 50 percent or more of the ownership or control lies with one or more local authorities. Control includes the right to appoint 50 percent or more of the directors, or trustees where the CCO is a trust.

Some CCOs are set up to trade as a profitable company. Other CCOs are set up to ensure an activity is run in a business like manner, but not for the purpose of making a profit. Many other CCOs are set up to provide community services and to access funds from grants and donations. These CCOs are often quite small and in the form of a trust rather than a company.

The Auckland legislation sets up a transport agency, Auckland Transport. The legislation also provides for Watercare Services Ltd, whose role is to integrate and deliver water supply and wastewater services in the region, and a waterfront development agency. The cabinet has given approval in principle to the setting up of four additional CCOs dealing with:

- economic development, tourism and events
- property development
- major regional facilities
- council investments.

Many of the activities included under these new CCOs are already provided by a CCO set up by one or more of the existing councils.

The ATA is releasing a separate discussion document regarding the substantive CCOs listed above.

The way local boards and CCOs interact will depend on what activities are delivered by a CCO, and the local board areas these activities are delivered in. The sections that follow consider:

- generally how CCOs may work with Auckland Council
- how Auckland Transport will interact with local boards given its statutory role, the transport planning process, and its effect on communities across the region.

How CCOs work with the governing body and local boards

Governance

Auckland Council, through the governing body (the mayor and 20 councillors), is responsible for the governance relationship with CCOs. This includes agreeing a statement of intent (SOI) annually with each CCO. Each SOI will:

- set the CCO's activities (unless prescribed by legislation), objectives, performance measures and reporting requirements
- promote a collaborative working relationship between the CCO, the governing body and the local boards.

The governing body is also responsible for appointing directors and trustees and if necessary, removing them.

Each CCO must work within the framework of regional strategies, such as the spatial plan, adopted by Auckland Council. Local boards can represent the interests of their communities by providing input into the development of the SOI's, through the governing body.

In addition to the SOI, the bill proposes other accountability provisions that the Auckland Council could impose on the substantive CCOs, such as quarterly reporting and a 10-year plan. Quarterly reporting would provide regular updates to the governing body and local boards. The 10-year plan, which will cover how the CCOs manage and invest in assets and maintain and improve service levels, could provide an opportunity for engagement between the CCOs and local boards on longer-term plans.

Operations

Local boards may wish to vary a service level or project based on the priorities and preferences identified through the local board plans. The governing body, the relevant CCO and the local board(s) will need to collaborate on the CCO work programme and the provision of funding by the governing body.

Local boards and CCOs are also likely to work directly together. A CCO may inform a local board generally about its operations, or work with a local board on specific projects affecting the local board area. For example, Watercare Services Ltd would liaise with a local board if it were planning to construct a water main that would have a significant effect on residents and services in the local board's area. Watercare would also consult directly with affected residents.

Where local issues arise over services a CCO delivers, the normal practice will be for staff supporting local boards to work with the CCO to resolve the issue where possible, and to report back to the local board. CCO staff will be available as necessary to assist the local board. Depending on the size, nature and cost of the issue CCO staff may be able to resolve the issue quickly. In more significant cases the issue may need to be considered for future work programmes or service level standards for the CCO.

How a local board could work with a CCO

Situation

The Regional Facilities CCO is upgrading one of its sports stadiums. The Auckland Transport CCO is working with the Regional Facilities CCO to provide better access to the stadium by upgrading footpaths and roads.

How local boards will be involved

- The local board discusses the proposed upgrades to the stadium, roads and footpaths, and their effect on the local area with both CCOs.
- The local board coordinates the public's input on the proposals (for example, they may hold a public meeting). Staff from the CCOs attend to answer questions and listen to the community's views.
- The CCOs decide how to incorporate these views into the upgrade.
- The local board could decide to use some of its discretionary funding to pay for complementary projects in the surrounding area.

Customer services

For CCOs who deliver services across Auckland, such as Watercare Services Ltd and Auckland Transport, most interaction in a local board area will be directly with customers as part of day-to-day operations. This is no different to what happens today. The most satisfactory resolution of issues affecting individual customers is likely to be through that direct relationship. However, the local board will be interested in the overall quality of customer services in the area. Depending on the nature and scale of service issues, the local board may raise these with the CCO, or the governing body through the local board agreement or SOI process.

CCOs with a local focus

There are some CCOs that are small in nature. These are typically in the form of a trust. These CCOs will generally access funds from external agencies but will also rely on a portion of their funding from the council. The funding from Auckland Council may be based on an agreement with the CCO that it will carry out certain services in the community. Examples include working with the community to reduce graffiti, working with education institutions and business to promote education opportunities, or providing local arts and cultural services.

For these CCOs the responsibility for the statement of intent, reporting, and appointment of directors and trustees sits with the governing body of Auckland Council.

However, decision-making responsibility for funding of services provided by these CCOs may more appropriately sit with one or more local boards. The ATA will look closely at the relationship of each CCO to individual board areas when finalising the allocation of decision-making responsibilities.

The governing body will also be able to delegate part of its responsibility for governance oversight of some of the smaller CCOs to particular local boards where it considers it appropriate to do so.

Auckland Transport

The bill establishes a new framework for the planning and delivery of transport in Auckland. Under this framework, Auckland Council will set the overarching 30-year strategy for transport while the Auckland Transport CCO will plan and deliver all local government transport-related activities with the exception of strategy. Auckland Council cannot therefore allocate transport activities to the local boards. However, Auckland Transport can delegate a range of local decisions to local boards. This would be within parameters that do not unduly compromise traffic flow, traffic safety, operational efficiency or asset integrity.

Local boards will have a role in transport, given how important it is to the community. Local boards will provide input into the transport strategy and programme. They will also have a role in local place-shaping activities, creating a sense of community identity and building a sense of place within the local community. The legislation gives a broad definition of Auckland Transport's responsibilities that can be expected to include footpaths, street furniture, signage and lighting. The local board will be interested in all of these things and will need to work closely with Auckland Transport. Auckland Transport will develop mechanisms and a support structure to facilitate an effective relationship with local boards.

The ATA envisages transport roles working as follows:

Setting the transport strategy

The governing body sets the overarching strategy for transport through the Auckland Regional Land Transport Strategy (RLTS). This strategy sets the direction for the region's transport system for the next 30 years and identifies the actions, policies and funding needed. The governing body will consult with, and consider the views and preferences of the local boards when developing this strategy. The LTCCP will set out how the Auckland Council proposes to fund the RLTS.

Auckland Transport implements the strategy, and manages and controls Auckland's regional transport system. This includes local and arterial roads, public transport services (rail, bus and ferry services) and public transport infrastructure, but excludes railways.

Planning the transport programme

Auckland Transport must prepare a Regional Land Transport Programme (RLTP) every three years which must be consistent with Auckland Council's strategy, and which prioritises the planned transport activities in Auckland. Auckland Transport is required to consult with both the governing body and local boards in preparing this RLTP.

Local boards will use their local board plans to prioritise and advocate for projects that contribute to the community's sense of place. Local boards will negotiate with the governing body for funding for these projects within their local board agreements, and will reach agreement with Auckland Transport on implementing these projects.

Local boards working with Auckland Transport

Auckland Transport is responsible for activities that affect a local board's area on a day-to-day basis, such as traffic calming, bus stop locations and speed restrictions. For such small-scale projects that are within Auckland Transport's budget, local boards are likely to work directly with Auckland Transport.

Auckland Transport will need to work closely with local boards providing them with information, consulting with them and receiving representations from them. If possible, Auckland Transport should deal with matters directly, while recognising the governing body's key role in respect of transport governance, strategy and funding.

The following examples show how these roles may work in relation to roads, public transport, and road safety.

Examples of roading projects

Although roads are built to provide a means of transport, they also have an important role in local place-shaping as the following three examples show.

Building a major new arterial road

Auckland Transport is responsible for new arterial roads. It includes a new arterial road that goes through a local board area in its programme. The programme must be consistent with Auckland Council's strategy. The local boards are consulted on both the preparation of the strategy and the programme. In planning for the project, Auckland Transport consults with the affected local board and takes into account its views on location and design.

Improving a local road

Auckland Transport is responsible for road maintenance and general road improvements.

The local board, as part of its planning process, decides that the finish of a particular town centre road should include better quality or different colour materials on the footpaths, and new benches, rubbish bins, and street lighting.

The local board and the governing body could agree on funding, as part of the local board agreement. This includes funding for the improvements and for the ongoing maintenance and renewal costs. In doing so, the local board may need to prioritise this project over other projects planned for the local area. It may also decide to set a local targeted rate for this project, to reflect the benefit to the local community.

Before agreeing funding for the project, the local board needs to work with Auckland Transport to make sure that the project does not have a negative impact on the road network. The local board needs to reach agreement with Auckland Transport to proceed with the project. Auckland Transport will deliver the project for the local board.

Prioritisation of road sealing

Auckland Transport is responsible for road maintenance and improvements.

As part of asset management planning, Auckland Transport decides to seal some roads within a specific local board area. Auckland Transport invites the local board to prioritise which roads are sealed first.

The local board consults with its communities to decide which roads should be sealed first, and then recommends this to Auckland Transport.

Examples of public transport projects

Auckland Transport is primarily responsible for public transport services and infrastructure in the region.

The ATA envisages local boards having a range of roles as the following two examples illustrate.

Building a new rail station

Auckland Transport is responsible for the planning and delivery of new rail stations (in consultation with Kiwi Rail, the owner of the rail tracks and corridor). Auckland Transport includes a new rail station in its programme, which must be consistent with Auckland Council's strategy. The local boards are consulted on both the preparation of the strategy and the programme. In planning for the project, Auckland Transport will consult with the affected local board and take into account its views on the location and design of the station, subject to the technical constraints of running a rail system.

Upgrading an existing rail station

Auckland Transport is responsible for rail station maintenance and improvements and sets priorities for improvements. The local board, as part of its planning process, may consider that the local rail station should be improved earlier than indicated in Auckland Transport's programme. The local board also wants to promote park-and-ride facilities and new infrastructure to better connect the rail station to the town centre. The local board needs to agree funding with the governing body as part of its local board agreement. This includes funding for the project itself and the ongoing maintenance and renewal costs. In doing so, local boards may need to prioritise this project over other projects planned for the local area. The local board may also decide to levy a local targeted rate for this project, to reflect the benefit to the local community. The local board needs to reach agreement with Auckland Transport to proceed with the project. Auckland Transport will deliver the project for the local board.

Example of a transport safety project

Auckland Transport is responsible for road safety. The following example shows how the local board is involved.

Proposing a road safety project

A local primary school has approached Auckland Transport about setting up a walking school bus. The school and Auckland Transport work together to identify the safest route for the bus. They find out there is currently no safe place for the bus to cross a busy road near the school. Auckland Transport suggests that a pedestrian crossing would be the best solution but a crossing in this area is not in their current work programme. The school approaches the local board and asks them to advocate for funding for the crossing in their local board plan. The pedestrian crossing is included in the local board agreement and delivered by Auckland Transport.

Factors that may affect the ATA's thinking on the role of local boards

There could be changes to the proposals in this discussion document arising from:

- feedback received on the information and proposals in this document
- the enactment of the Local Government (Auckland Law Reform) Bill, which is expected to be by the end of May 2010
- the work of the LGC on how many local boards there should be, where the boundaries of the local boards will be, the number of members for each local board and the names of the local boards. See www.lgc.govt.nz for more information on the LGC's proposals for local boards. The LGC will announce its final decisions on 11 March 2010
- the scope of activities to be delivered by CCOs. The bill proposes the setting up of a number of CCOs to deliver services on behalf of Auckland Council. Two CCOs, Auckland Transport and Watercare Services Ltd, will have powers prescribed in the bill.

How to give feedback

Your feedback will help us further develop our views on local boards. The ATA is keen to get your feedback on the questions below.

Questions on the ATA's thinking on local boards

1. Given the principles in the Local Government (Auckland Council) Act 2009 (summarised on page 17), what are your views on the allocation of non-regulatory responsibilities in Table A (pages 21 to 29)?
2. Have any non-regulatory responsibilities been missed in Table A (pages 21 to 29)?
3. What local facilities, programmes and projects (such as the examples on pages 30 to 31) do you think local boards should have decision-making responsibility for?
4. Do you have views on any other issues in this document?

You can have your say by providing feedback online at www.discussiondocuments.co.nz or by sending in your written feedback to: Local Board Feedback, Auckland Transition Agency, PO Box 99394, Newmarket 1149, Auckland, by 5pm on 26 March 2010.

Glossary

ATA	Auckland Transition Agency. The government established the agency to amalgamate the councils across the Auckland region into Auckland Council by 1 November 2010.
Auckland Council	Auckland Council comprises two parts: the governing body (mayor and 20 councillors) and the local boards. The chief executive and the staff they employ form the Auckland Council organisation.
CCO	Council-controlled organisation. An organisation that delivers services on behalf of a council in which one or more councils owns or controls 50 per cent or more of the voting rights or has the right to appoint 50 per cent or more of the directors, trustees, etc.
Development contributions	Contributions from developers, collected to help fund new infrastructure required by growth, as set out in the Local Government Act 2002. Development contributions include financial contributions.
Governance	The act, process or power of governing.
Governing body	One part of Auckland Council, comprising the mayor and 20 councillors (elected on a ward basis).
LGC	Local Government Commission. The Commission is an independent statutory body whose main role is to make decisions on the structure and representation requirements of local government in New Zealand.
Local boards	One part of Auckland Council. The current proposal is for 19 local boards of locally elected members.
LTCCP	Long-term Council Community Plan. An LTCCP provides a 10-year view of council activities, finances and contribution towards community outcomes. It provides for the coordination of council resources and is a basis for accountability to the community.
RLTS	Regional Land Transport Strategy. The RLTS sets regional objectives and policies to achieve an integrated, safe, responsive and sustainable land transport system.
RLTP	Regional Land Transport Programme. The RLTP lists planned transport activities over a three-year period and acts as a means to prioritise applications for government funding through the NZ Transport Agency.
Special consultative procedure	A special consultative procedure requires community consultation on proposed decisions using specific processes such as public notification and hearings, as outlined in the Local Government Act 2002.
SOI	Statement of intent. An SOI is a public document and describes the activities and intentions of a CCO for the year and the contribution it will make to Auckland Council's objectives. It is a key mechanism by which Auckland Council influences the activities of a CCO.
Targeted rate	A rate for a local board area or specific group of ratepayers. Targeted rates are used in certain circumstances where the service benefits a specific group, it is fair and reasonable to collect the cost of this service from that group, and fees/charges are impractical or inappropriate.

Appendix 1

Summary of the Local Government Commission's proposals on Auckland Council local boards

In December 2009 the Local Government Commission proposed that there should be 19 local boards covering the areas listed below.

Local boards	Population	Number of members
Rodney	53,590	7
Hibiscus- Albany-East Coast Bays	120,400	9
Glenfield-Birkenhead	85,000	6
Takapuna-Devonport	59,600	5
Waitakere	166,150	9
Whau	80,900	7
Mt Albert	84,600	7
Mt Roskill	59,400	6
Maungawhau	78,860	5
Waiheke	8,300	5
Great Barrier	840	5
Orakei	87,200	7
Maungakiekie-Tamaki	74,200	6
Mangere	60,600	5
Otara-Papatoetoe	81,800	7
Howick-Pakuranga-Botany	121,700	9
Papakura	44,000	5
Manurewa	85,400	7
Franklin	63,650	9

The Local Government Commission is currently considering submissions on these proposals and will announce its final decisions on 11 March 2010.