

Auckland Local Government Context - July 2010
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Sustainable Pathways 2

Introduction

The Auckland region is in a process of integrating core local government functions across different localities into one organisation. In tandem, there is an introduction of a new planning framework, significantly with the introduction of an explicit spatial plan in the Local Government (Auckland Council) Act 2009. This coincides with the emerging redesign of Auckland's governance, on the inception of the Auckland Council on the 1st of November 2010. Much of the work currently undertaken within Auckland's local government is directed at succession to the (new) Auckland Council. The current seven territorial authorities (Rodney District Council, North Shore City Council, Auckland City Council, Waitakere City Council, Manukau City Council, Papakura District Council and Franklin District Council) and one regional council (Auckland Regional Council) will be dissolved. An interim body, the Auckland Transition Agency (ATA), was established in 2009, tasked with organising and managing the processes required to establish the Auckland Council. The role and responsibilities of the ATA is contained in legislation, the Local Government (Tamaki Makaurau Reorganisation) Act 2009. This involves reviewing the functions and operations of all council organisations, trusts and assets which are owned by councils.

This document aims to inform the Sustainable Pathways 2 project team of the evolving context within which the project will be operating over the next year, and to give a high level summary of the policy context. The information contained below has been assembled from various strategy and discussion documents, in circulation over the preceding months. Given the dynamic nature of the policy context, all information should be verified before used in any papers/documents. The current period is characterised by institutional change, also evident in the process of reform to the Resource Management Act. Of relevance to Auckland is the urban areas simplifying and streamlining process, which is currently at Bill stage in parliament¹.

Background: Auckland's Governance

In March 2009, the Royal Commission on Auckland governance delivered recommendations after a two year inquiry into the functionality of local government arrangements in Auckland. The Government responded by passing two Acts: the Local Government (Tamaki Makaurau Reorganisation) Act, on May 23rd 2009, and the Local Government (Auckland Council) Act, 22nd September 2009 (with amendments, which are being finalised and will be included under this act)².

The Auckland governance legislation provides the structure, powers and roles for the Auckland Council. It defines the decision-making structures that will determine how policy and planning decisions are made and implemented. The key elements of the new governance arrangements are:

- Establishment of one unitary authority the Auckland Council, with the powers of both a territorial authority and a regional council,
- A two tier governance structure with a governing body and local boards³,

¹ See Excerpt from the Resource Management (Simplifying and Streamlining) Amendment Bill 2009 in Appendix 1

² Acts are laws made by Parliament, whereas Bills are proposed Acts.

³ At the local body elections in 2010, twenty councillors and a mayor for a new Auckland Council will be elected. The Local Government Commission announced on 11th March 2010 the structure of

- One Mayor for Auckland with enhanced governance powers, and elected at large by the region's residents and ratepayers,
- Creation of new Council Controlled Organisations⁴,
- Provisions towards a statutory board to represent the interests of Māori, with specific recognition of the rights of the mana whenua of Auckland.

In addition the Auckland Transition Agency (ATA), established in the Local Government (Tamaki Makaurau Reorganisation) Act, confirmed the Auckland Council organisational structure on 18th December 2009. This outlines a clear functional model for the Auckland Council comprising three major organisational groupings:

- Operations (including the delivery of customer and community services)
- Strategy and planning (covering all aspects of council regional and local planning)
- Finance (including support functions).

Of significance for the SP2 project, is the requirement of a 'Spatial Plan' in the Local Government (Auckland Council) Amendment Act 2010. The Act states that the Auckland Council must prepare and adopt a spatial plan for Auckland, with its purpose to contribute to Auckland's social, economic, environmental and cultural well-being through a comprehensive and effective long-term (20 to 30 year) strategy for Auckland's growth and development. Before looking at the proposed spatial plan, the existing planning framework is discussed.

Existing planning framework

The existing planning system in Auckland is complex, with eight long term council community plans and corresponding community outcomes, a number of Resource Management Act (RMA) plans including one Regional Policy Statement (RPS), four regional plans and seven district plans (some with multiple parts), a number of non-statutory regional plans that seek to overcome (at least in part) current fragmented governance, and a multitude of local planning documents (see figure 1). The planning framework emanates largely from (although not exclusively): the Local Government Auckland Act, 2004; the Local Government Act, 2002; and the Resource Management Act, 1991.

During the parliamentary discussions on spatial planning in Auckland throughout 2009 and early 2010, the existing Auckland Regional Growth Strategy was acknowledged, albeit with its limitations. The Growth Strategy does not constitute an integrated spatial plan. Furthermore the weak legal relationship between the Regional Growth Strategy and other plans (Resource Management Act, Regional Policy Statement) has resulted in weak implementation.

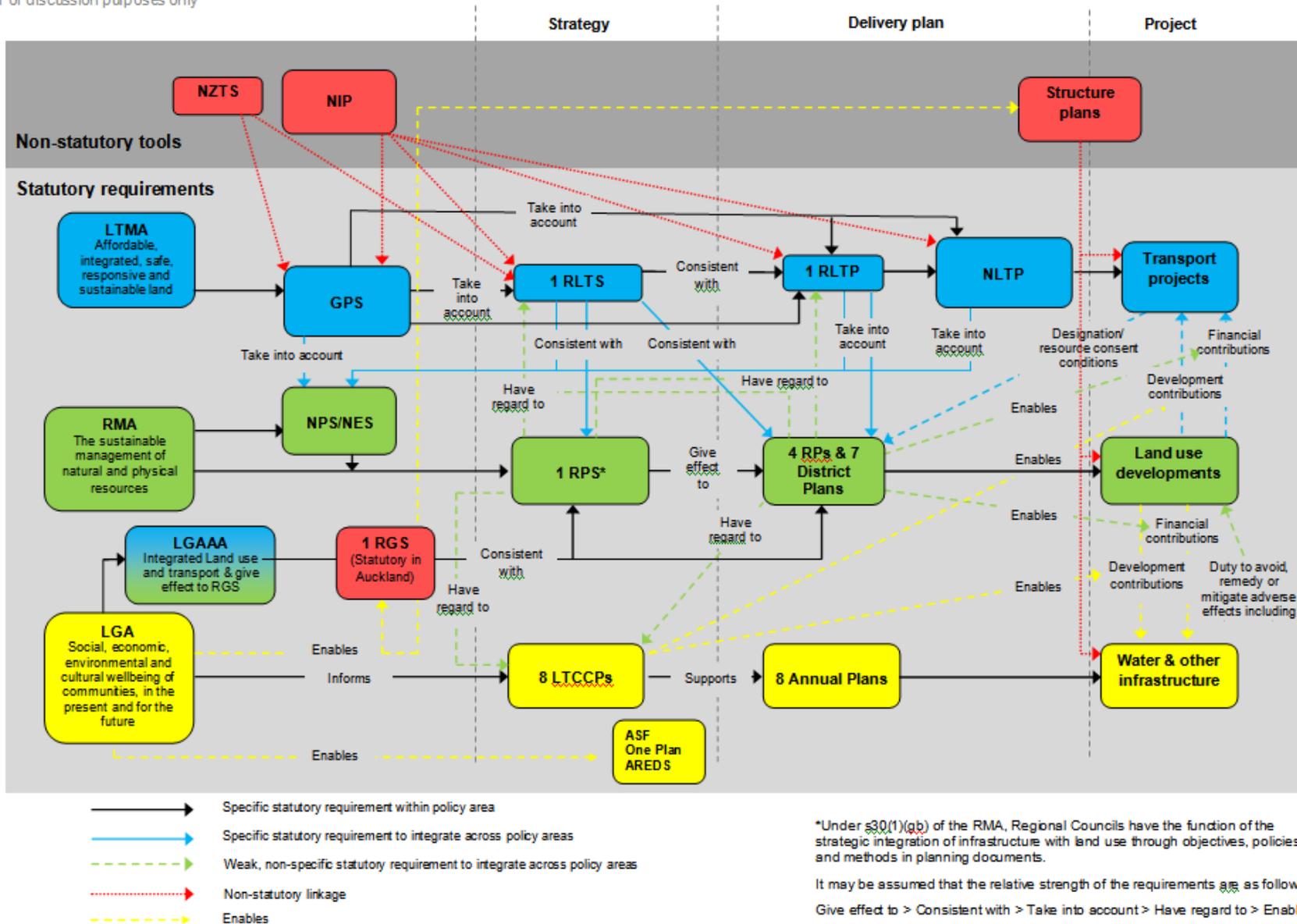
There are an unknown number of projects that correspond to these plans and policies. With so many plans and projects happening across the Auckland region, as identified by the Royal Commission on Auckland Governance and others, these initiatives may work against each other, creating potential to increase complexity and confusion about what needs to happen and who is responsible. Hence the rationale for reorganisation of Auckland's governance structures, and an attempt to integrate decision making processes in the region.

governance in the Auckland council, comprising of thirteen wards (electing 20 councillors) and twenty one local boards (electing 149 Board members).

⁴ Central Government have announced the creation of seven council controlled organisations that are agreed on by Cabinet or are legislated for. These include: Regional Transport Authority; Watercare Services Limited; Waterfront Development Agency; Economic Development, Tourism and Events Agency; Property Holdings and Development; Major Regional Facilities; and Council Investments.

Figure 1: Existing planning framework

For discussion purposes only



Source: Ministry for the Environment (October 2009). Note that the following has been added to the original diagram: the box with ASF, One Plan and AREDS; the dotted yellow line and arrow indicating that the LGA enables these three; the dotted yellow enables line in the key.

Toward Auckland's Spatial Plan

The Royal Commission on Auckland's governance defined the problem with the current planning framework in Auckland in terms of its complexity, tension between consistency and diversity, and challenges associated with integrated growth management. Overall the problems of the current planning framework are⁵:

- An inability to make big decisions
- An inability to implement and deliver on plans
- Difficulty in achieving integration

The spatial plan presents an opportunity to integrate the planning process to include the four well-beings (economic, social, cultural, environmental). Spatial planning has had a renaissance in many cities (London, New York City, Paris and Hong Kong). The approach to spatial planning differs markedly in each city, reflecting the institutional diversity and specific cultural context. In general, plans typically take three to five years to develop, and often require significant effort to reach bi-partisan agreement. This ensures plans extend beyond electoral cycles⁶. At present the process of conceptualising and designing the spatial plan is underway in Auckland, in partnership with central government.

On December 3rd 2009, the Ministry for the Environment released a Cabinet paper⁷, in support of the Local Government (Auckland Law Reform) Bill, outlining five options for introducing and integrating a spatial plan into the current planning framework. This cabinet paper provides the main direction from central government.

The functions of the spatial plans were outlined in the Local Government (Auckland Law Reform) Bill and are⁸:

1. Set out the long-term (20–30 year) strategic direction (including broad objectives) for Auckland and its communities
2. State policies, priorities, programmes, and land allocations that will implement the strategic direction and to specify resources that will be provided to implement the strategic direction
3. Set out Auckland's role in New Zealand
4. Visually illustrate how Auckland may develop in the future, including how growth may be sequenced and how infrastructure may be provided
5. Provide an evidential base to support decision-making for Auckland, including evidence of trends, opportunities, and constraints in Auckland
6. Set out a development strategy on how to achieve broad policy objectives for land use, transport, other infrastructure, and environmental management in Auckland
7. Identify the existing, and guide the future, location of critical infrastructure services and any associated investment in Auckland (for example, open space, transport, and water supply and wastewater services)
8. Identify the existing, and guide the future, location and mix of residential, business, and industrial activities within specific geographic areas in Auckland
9. Identify significant ecological areas in Auckland that should be protected from development
10. Give direction to, and align, implementation plans, regulatory plans, and funding plans of the Auckland Council

⁵ <http://www.royalcommission.govt.nz/rccms.nsf/0/265277B9929D2B5ACC2575B4000802F5?open>

⁶ Local Government Act (2002) 10(b) and 14(h)

⁷ Spatial Planning Options for the Auckland Council, Office of the Minister for the Environment. Available at <http://www.mfe.govt.nz/cabinet-papers/topics/auckland-governance-reform.html>

⁸ Auckland Regional Council (2010) New Auckland Planning Framework Background Briefing Paper. Auckland Regional Council. Strategy Development Team: Regional Strategy. February 2010

11. Integrate otherwise competing policy goals and provide opportunities for coherent and combined decision making about investment and regulation in Auckland
12. Act as an information and co-ordination mechanism enabling the Auckland Council (as the spatial planning agency) and parties that provide services, infrastructure, and other investment to discuss, and agree on, the timing and outcome of providing those things and the location of the things.

Legislative reform toward a spatial plan for Auckland

In the Local Government (Auckland Council) Amendment Act 2010 details for the development of the Auckland Spatial Plan are set out. The Ministry for the Environment proactively released a 'Spatial Planning Options for the Auckland Council' paper to the 'Cabinet Implementation of Auckland Governance Reforms Committee' in late 2009, outlining the options for a spatial plan as a function of the (new) Auckland Council. It endorsed a spatial plan, to replace the Auckland Regional Growth Strategy with the intention also to reduce the risks of the new Council coming into an unclear planning environment. The intention would be to have a well articulated strategic direction set out for the Auckland Council. Contents of Part 6 of the Local Government (Auckland Council) Amendment Act 2010 are set out in box 1, relevant to the spatial plan.

At present, it is not clear whether the consideration of social, economic and cultural policy objectives, or matters such as protection of historic heritage will be included in the spatial plan, alongside the explicitly stated policy objectives for land use, transport, infrastructure and environment management (ARC submission on Local Government (Auckland Law Reform) Bill , February 2010). At present, it seems the spatial plan is statutory, with no additional or strengthened legislative linkages, with changes to be considered through the Resource Management Act reform process. However, clarification of these issues and the legislative framework for the spatial plan should emerge over the next few months.

Concurrently, there are two legislative reviews are likely to impact on the Auckland's new planning framework. These are the: Resource Management review phase two (RMII) and the Local Government Act 2002 review.

The RMII follows on from the enactment of the Resource Management (Simplifying & Streamlining) Amendment Act 2009 and consists of ten related work streams. The potential impacts of RMII on the new Auckland planning framework are:

- The establishment and development of the scope, functions and structure of the proposed Environmental Protection Authority which may impact on existing unitary (regional) functions
- The management of aquaculture, infrastructure and water
- Urban planning including examining land supply and affordability issues and better coordination of urban development projects.

The likely impacts from the Local Government Act 2002 review concerning the Long Term Plan (previously long-term council community plans - LTCCP) are likely to simplify the development of these plans, in particular with regards to the community outcomes process.

Box 1. Excerpt from Local Government (Auckland Council) Amendment Act 2010

Part 6 Spatial planning for Auckland

(79) Spatial plan for Auckland

- (1) The Auckland Council must prepare and adopt a spatial plan for Auckland.
- (2) The purpose of the spatial plan is to contribute to Auckland's social, economic, environmental, and cultural well-being through a comprehensive and effective long-term (20- to 30-year) strategy for Auckland's growth and development.
- (3) For the purposes of subsection (2), the spatial plan will—
 - (a) set a strategic direction for Auckland and its communities that integrates social, economic, environmental, and cultural objectives; and
 - (b) outline a high-level development strategy that will achieve that direction and those objectives; and
 - (c) enable coherent and co-ordinated decision making by the Auckland Council (as the spatial planning agency) and other parties to determine the future location and timing of critical infrastructure, services, and investment within Auckland in accordance with the strategy; and
 - (d) provide a basis for aligning the implementation plans, regulatory plans, and funding programmes of the Auckland Council.
- (4) The spatial plan must—
 - (a) recognise and describe Auckland's role in New Zealand; and
 - (b) visually illustrate how Auckland may develop in the future, including how growth may be sequenced and how infrastructure may be provided; and
 - (c) provide an evidential base to support decision making for Auckland, including evidence of trends, opportunities, and constraints within Auckland; and
 - (d) identify the existing and future location and mix of—
 - (i) residential, business, rural production, and industrial activities within specific geographic areas within Auckland; and
 - (ii) critical infrastructure, services, and investment within Auckland (including, for example, services relating to cultural and social infrastructure, transport, open space, water supply, wastewater, and stormwater, and services managed by network utility operators); and
 - (e) identify nationally and regionally significant—
 - (i) recreational areas and open-space areas within Auckland; and
 - (ii) ecological areas within Auckland that should be protected from development; and
 - (iii) environmental constraints on development within Auckland (for example, flood-prone or unstable land); and
 - (iv) landscapes, areas of historic heritage value, and natural features within Auckland; and
 - (f) identify policies, priorities, land allocations, and programmes and investments to implement the strategic direction and specify how resources will be provided to implement the strategic direction.

80 Development, adoption, and implementation of spatial plan

- (1) The Auckland Council must involve central government, infrastructure providers (including network utility operators), the communities of Auckland, the private sector, the rural sector, and other parties (as appropriate) throughout the preparation and development of the spatial plan.
- (2) The Auckland Council must adopt the spatial plan in accordance with the special consultative procedure.
- (3) The Auckland Council may amend the spatial plan, at any time, in accordance with subsections (1) and (2).
- (4) The Auckland Council must—
 - (a) make the spatial plan (including any amendments) available for inspection during working hours, free of charge, at—
 - (i) the office of the Auckland Council; and
 - (ii) any other places in Auckland that the Auckland Council, at its discretion, decides are appropriate; and
 - (b) make copies of the plan available, free of charge or for purchase at a reasonable price, from—
 - (i) the office of the Auckland Council; and
 - (ii) any other places in Auckland that the Auckland Council, at its discretion, decides are appropriate; and
 - (c) make copies of the plan available, free of charge, on an Internet site maintained by or on behalf of the Auckland Council.
- (5) The Auckland Council must endeavour to secure and maintain the support and co-operation of central government, infrastructure providers (including network utility operators), the communities of Auckland, the private sector, the rural sector, and other parties (as appropriate) in the implementation of the spatial plan.

All Auckland councils are in the challenging position of determining what business-as-usual is, versus being proactive and responsive to the transition to the new Auckland council.

The Regional Policy Steering Group (RPSG) is a senior officer forum for councils in the Auckland region, together with a number of central government agencies and a representative of Tamaki Mana Whenua Forum. The RPSG maintains a strategic overview of Auckland's growth management, land use and infrastructure, development and sustainability issues and provides advice on such issues, and is mandated by the Auckland local government's chief executive office (CEO) forum. In mid 2009, the RPSG was tasked with looking at the planning hierarchy in the Auckland region, given the recommendations of the Royal Commission. This exploratory scoping work was conducted prior to the announcement of the spatial plan in the Local Government (Auckland Law Reform) Bill, December 2009. As part of the RPSG workstream, a number of consultative expert panel workshop sessions were undertaken, engaging a range of external stakeholders (private sector, central government, academia, interest groups) exploring the options for the new Auckland planning framework. International best practice was examined, and the region engaged Greg Clark (Cities and Regions) and Prof. Duncan MacLennan (University of St Andrews) to provide input, share lessons and insights from overseas.

In March 2010, the CEO Forum switched tack slightly, and approved the 'New Auckland Planning Framework project' (NAPF project) in order to define the vision and development needs for the Auckland region within the new planning environment. Work is underway on the project, involving council staff across the region with central government representatives. The NAPF project is being managed from an office in the Auckland Regional Council. The project has inter-related work streams:

- Proposed new planning framework options/input to RMII-U
- Key strategic issues
- Current state – policy and evidence base
- Current state – funding policy
- Best practice spatial planning

Integration of Sustainable Pathways 2 project

The context in Auckland is one of massive institutional change in local government, both in terms of its organisation and functions. To date, presentations on SP2 have been made to the Chief Executive's forum (Beat and Garry), to the RPSG (Catherine), to ARC officers (Garry, March 2010) and to the NAPF project (Marjan, Beat and Catherine).

The Auckland Transition Agency has a number of work streams in process, which are largely focused on design of the Auckland Council, and process of merging existing functions. The roles and function of existing processes are currently being collated. Sustainable Pathways 2 has been explicitly written into the 'Economic Research and Monitoring' role of the Auckland Council, under the Chief Planning Officer's central 'Research and Monitoring unit'. However as the Auckland Transition Authority is not focused on content of the workstreams in the new Auckland Council, no decision about the progression of the SP2 project or its integration within the Auckland Council can be made at this point.

In terms of timing, there is a need to recognise the present context of local government reform. The first, urgent and non-negotiable need is to ensure business continuity through the transition to the new council. The second major milestone (and first for the new Council) is to prepare and produce the first LTCCP by June 2012. A completed interim spatial plan would assist the LTCCP by identifying growth areas, prioritise projects, and assist the allocation of funding for Council and the CCOs. Therefore, SP2 is well placed to assist in this process. Uncertainties around RMII-U, timing of appeals resolution and the transition itself, suggest the first version of the spatial plan is likely to function as an interim 'enhancement' of

current framework (this is recognised in 3rd Bill in the offer of a 'preferred interim option'), and may be used by the new Council as a tool to communicate key priorities to the community as part of the LTCCP process.

The three distinct phases for local government in Auckland are from the present day to:

1. End October 2010: Transition - preparing interim spatial plan information and options for the new Council as input to the LTCCP, as well as input into RMII-U
2. June 2012: Continue developing interim Spatial Plan by October 2011 and completing LTCCP 2012
3. October 2015: Long term, transformed framework of spatial plan

It would also be good to consider/prepare how SP2 is complimentary to 'best practice spatial planning'. There is a general consensus in NAPF that modern economies are complex adaptive spatial systems that shape and are shaped by major economic, social and environmental outcomes. It is also recognised that the four well beings do not have equal weighting in land use planning policies and strategies, and this is a legislative challenge (especially with the RMA). A process of horizontal integration is required, in tandem with vertical integration, as many issues are determined at central government level. This integration requires careful consideration and design.

Appendix 1: Excerpt from the Resource Management (Simplifying and Streamlining) Amendment Bill 2009

RMII-U – Urban planning

19. **noted** that the investigation of the Royal Commission on Auckland Governance's recommendation for integrated planning, including a spatial plan and infrastructure investment plan for the Auckland Council is included in the urban planning workstream [CAB Min xxx];
20. **noted** that the urban planning workstream has a focus on improving the link between housing affordability and land supply, integrated growth management and infrastructure development, and the quality of outcomes delivered by urban design and urban planning;
21. **directed**, with reference to paragraph 20 above, the Ministry for the Environment, together with the Ministry of Transport, the Ministry of Economic Development, the Department of Building and Housing, the Department of Internal Affairs, the Treasury, and other agencies as appropriate, to identify policy options to:
 - 21.1 address the limitations of the RMA in urban environments where the effects based nature of the RMA does not effectively facilitate the long term achievement of efficient and integrated urban planning and urban design outcomes;
 - 21.2 improve the tools and resources, used to promote quality urban planning and urban design outcomes in New Zealand's urban environments including reviewing the role of metropolitan urban limits and investigating the role of spatial plans;
 - 21.3 integrate and align planning statutes and planning mechanisms (specifically the RMA, the Local Government Act and the Land Transport Management Act);