

I hereby give notice that an ordinary meeting of the Auckland Future Vision Committee will be held on:

Date: Tuesday 1 February 2011
Time: 9.30am
Meeting Room: Reception Lounge Level 2
Venue: Auckland Town Hall
301-305 Queen Street
Auckland

Auckland Future Vision Committee

OPEN AGENDA

MEMBERSHIP

Chairperson	Mayor Len Brown, JP	
Deputy Chairperson	Deputy Mayor Penny Hulse	
Councillors	Councillor Anae Arthur Anae	Councillor Cameron Brewer
	Councillor Sandra Coney, QSO	Councillor Dr Cathy Casey
	Councillor Hon Chris Fletcher, QSO	Councillor Alf Filipaina
	Councillor Ann Hartley, JP	Councillor Michael Goudie
	Councillor Mike Lee	Councillor Des Morrison
	Councillor Richard Northey, ONZM	Councillor Calum Penrose
	Councillor Noelene Raffills, JP	Councillor Jami-Lee Ross
	Councillor Sharon Stewart, QSM	Councillor Sir John Walker, KNZM, CBE
	Councillor Wayne Walker	Councillor Penny Webster
	Councillor George Wood, CNZM	

(Quorum 11 members)

Crispian Franklin
Committee Secretary

25 January 2011

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1 Apologies

An apology has been received from Deputy Mayor Penny Hulse for non-attendance.

2 Declaration of interest

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest they might have.

At the close of the agenda no requests for declarations of interest had been received.

3 Confirmation of minutes

3.1 Meeting minutes Auckland Future Vision Committee, 30 Nov 2010

4 Leave of absence

At the close of the agenda no requests for leave of absence had been received.

5 Acknowledgements

At the close of the agenda no requests for acknowledgements had been received.

6 Petitions

At the close of the agenda no requests for petitions had been received.

7 Deputations/ Public Forum

The Standing Orders provide for deputations. Those applying for deputations are required to give five working days notice of subject matter and applications are approved by His Worship the Mayor. This means that details relating to deputations can be included in the published agenda. Total speaking time per deputation is ten minutes or as resolved by the meeting.

The Standing Orders also provide for public forums. Advance notice is not required but it is expected that those wishing to speak at the public forum advise the Committee Secretary prior to the meeting. A maximum of thirty minutes is allocated to the public forum with five minutes speaking time for each speaker.

8 Extraordinary business

Section 46A(7) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“An item that is not on the agenda for a meeting may be dealt with at that meeting if-

(a) The local authority by resolution so decides; and

(b) The presiding member explains at the meeting, at a time when it is open to the public,-

(i) The reason why the item is not on the agenda; and

(ii) The reason why the discussion of the item cannot be delayed until a subsequent meeting.”

Section 46A(7A) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“Where an item is not on the agenda for a meeting,-

- (a) That item may be discussed at that meeting if-
 - (i) That item is a minor matter relating to the general business of the local authority; and
 - (ii) the presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but
- (b) no resolution, decision or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion.”

At the close of the agenda no requests for extraordinary business had been received.

9 Notices of Motion

At the close of the agenda no requests for notices of motion had been received.

Tamaki Update

File No.: CP2011/00120

Executive Summary

Tāmaki is strategically located on the eastern side of the Auckland Isthmus adjoining the Tāmaki river. In the north it is bounded by West Tāmaki Rd to the south the Panmure basin provides a natural boundary; to the west College Rd and the Remuera golf course provide the final boundary.

Since 1999 Tāmaki has been identified as a priority one strategic growth area in both the Regional Growth Strategy and in both of Auckland City's Growth Strategies (Growing our City Through Liveable Communities 2000; and Auckland City Growth Management Strategy 2003). As a priority one growth area the former ACC undertook, in addition to business as usual, a range of projects in Tāmaki and had set aside in its ten year plan (2009-2019) over \$373 million for capital and operational work in the area.

In June 2007, the Tāmaki Transformation Programme (the programme) was established as a partnership between central government agencies, local government and other agencies. The idea for the programme came from the then chair of HNZC, Pat Sneddon. HNZC was poised to undertake a significant redevelopment programme in Tāmaki due to poor condition of its stock there. Pat at that time was also chair of the Auckland District Health Board and so was aware of the significant amount of government health money being channeled into Tāmaki without much obvious benefit. Pat identified an opportunity for central government agencies, local government and other parties to work together in a more integrated way to get better value for money, to address social exclusion and to make the area a better place to work and live for current and future residents.

A Value Proposition paper outlined a 20 year long term programme of work required to transform Tāmaki was delivered to Cabinet in April 2009 and the next phase of the Programme was formally announced by the Minister of Housing in May 2009. Central government earmarked from existing budgets an initial \$52m commitment to the initiative.

Over the next 20 years the Programme aimed to turn this area of east Auckland into an attractive and thriving community by:

- creating and sustaining a strong local economy by building a more skilled community and attracting job rich mixed-skill businesses
- developing high level amenity and quality urban design
- building confidence and developing strategic partnerships to attract private sector investment
- engaging residential and business communities in the transformation of the area

A key matter to note is that while physical improvements in Tāmaki have been limited there has been considerable success in engaging the wider Tāmaki community in the Programme's work. The community has bought in strongly to the concept of central and local government agencies working with the community on co-led and co-designed projects; and has also taken the initiative through running community led projects in parallel to the Programme.

During the 2010 it became clear that a new governance structure was required to progress both the integrated Tāmaki Transformation programme but also the implementation of the proposed Development Plan. The Minister of Housing Phil Heatley requested a cabinet paper on the best way forward for the programme. In late December 2010 the Minister released a media statement identifying that a new interim Board is to be established for the Tāmaki Transformation Programme. The Board will be comprised of chief executives of all the relevant central government ministries, two senior officials from Auckland Council and iwi and community representatives.

The proposed role of the interim Board will be responsible for the exploration and recommendation for a new urban regeneration entity and will provide advice on options, scope mandate and legal forms to sustain the redevelopment of Tāmaki over the next 15-20 years.

The interim Board will commence by March 2011 and is required to make its recommendations by June 2011.

Minister Heatley has asked the Mayor to identify two senior officials from Auckland Council; and also identify possible community representatives.

Ongoing representation by Auckland Council on the Tāmaki Transformation Programme is strongly recommended due to the Council's leadership role in the future development of Auckland; its community advocate and partnership role; and its role as a large owner of land in Tāmaki.

The Tāmaki Transformation Programme has always represented an opportunity for central and local government to work in more integrated and innovative ways with the community. It is imperative not only for Tāmaki but also for other similar state housing areas across greater Auckland and NZ that the urban regeneration model recommended by the interim Board delivers that aspiration.

To ensure that occurs it is recommended that two of the Council's most senior officials – the Chief Executive and the Chief Planning Officer be endorsed as Auckland Council's members of the interim Board.

Recommendation/s

- a) That the report be received.
- b) That the committee note that:
 - i) Tāmaki has been a priority one economic development and growth area since 1999,
 - ii) the former Auckland City Council had committed significant resources over the years in planning for that growth
 - iii) the former Auckland City Council had committed to a programme of capital works in Tāmaki to deliver the infrastructure needed for that growth (around \$ 373 million over the next ten years)
 - iv) the former Auckland City Council has been an active member of the Tāmaki Transformation Programme since its inception.
- c) That the committee endorse Auckland Council's on-going involvement in the Tāmaki Transformation Programme;
- d) That the Chief Executive and the Chief Planning Officer be appointed as Auckland Council's representatives on the new Interim Board, and that Minister Heatley's office be advised accordingly;
- e) That the committee be updated regularly on the progress of that Board.

Background

Tāmaki the Place

The boundaries of the place "Tāmaki" differ depending on the issues being addressed. For the former Auckland City Council (ACC) the place known as Tāmaki Edge covered those places and suburbs that were on the eastern side of the Auckland isthmus adjoining the Tāmaki river including Gen Innes, Pt England, St Johns, Lunn Ave quarry (Stonefields), Panmure, and Sylvia Park and Otahuhu (refer Map one). The name "Tāmaki" is also more specifically applied to Glen

Innes, St Johns, Pt England and Panmure. For the purpose of this paper the name Tāmaki refers to the northern suburbs and areas of Tāmaki Edge – Glen Innes, St Johns, Stonefields, Pt England and Panmure (refer Map two).

Attributes of Tāmaki

Tāmaki is strategically located on the eastern side of the Auckland Isthmus adjoining the Tāmaki river. In the north it is bounded by West Tāmaki Rd, to the south the Panmure basin provides a natural boundary; to the west College Rd and the Remuera golf course provide the final boundary. It is well connected to both the city centre and Manukau by rail (the North Island main line) and by road. It has great natural attributes with some significant open spaces; Maungarei (Mt Wellington), volcanic soils and rock, wetlands and streams. Within its boundaries there are two libraries; two public swimming pools; two community centres, recreation facilities, a university campus, two town centres, three rail stations (one currently mothballed), large areas zoned for economic development, one high school and a number of primary and intermediate schools.

The Tāmaki area is home to over 32,000 people (12,000 households). The multi cultural population is predominantly Pacific Island, Maori and Asian descent. There are extensive areas of state housing from post war era (HNZC owns 2,850 properties representing 56% of the housing stock of Glen Innes, Panmure and Pt England); and significant areas of business land within the area providing jobs for more than 16,000 people. By 2051, the population will have nearly doubled and the number of dwellings increased by 10,000. Growth in employment is also predicted to increase by two thirds by 2051.

Planning for Tāmaki

Since 1999 Tāmaki has been identified as a priority one strategic growth area in both the Regional Growth Strategy and in both of Auckland City's Growth Strategies (Growing our City Through Liveable Communities 2000; and Auckland City Growth Management Strategy 2003).

As a priority one growth area the former ACC undertook, in addition to business as usual, the following projects in Tāmaki

- **Liveable Community Plans** for Panmure (2001) and Glen Innes (2003) – which determined where and at what scale growth would be accommodated through intensification as well as identifying the physical and social infrastructure improvements needed by a growing community. Under these planning frameworks liveable communities were identified as offering mixed use town centres at the core with a range of housing choices catering for various lifestyles; good access to public transport, walking and cycling; well designed places, spaces and buildings; and a sense of belonging.
- **Rezoning of residential areas** close to the town centres and rail stations to enable higher density living.
- **Area Planning for Tāmaki** – the Tāmaki Area Plan was adopted in 2010. Area Plans formed the second tier of Auckland City's Future Planning Framework. Area Plans bring together the key elements that make up an area (including its natural and cultural heritage, built form, and transport routes) to form an integrated picture of how the area should look and function in the future.
- **Town centre street upgrades** in both Panmure and Glen Innes.
- **Joint venture recreation centre** with Tāmaki College.
- **Tāmaki Innovation precinct and centre** – working with the University of Auckland and Ministry for Economic Development on the concept of an Innovation centre adjoining the Tāmaki campus (although this concept was shelved by the current government Auckland Council now owns land acquired by ACC for that Innovation Centre). Work on planning for and implementing a wider Innovation precinct on underutilised industrial land still continues.
- Supporting two vibrant **mainstreet associations** – in Panmure and Pt England.
- **Redevelopment** of the former unsafe **Talbot Park linear reserve** into two safe and well-used parks in conjunction with HNZC's redevelopment of its housing around Talbot Park.

- **Working with key landowners** to ensure well designed development in keeping with the areas population and economic growth aspirations. Initially working with Landco and now Todd Properties on the redevelopment of the 110-hectare Lunn Ave quarry into a new community with village shops; a new primary school and housing for over 6,000 new residents. Officers are also working with the landowner on a master plan for redevelopment of the former Camp Bunn site adjoining the mothballed Tāmaki rail station.
- Provision of **community development support** on a number of initiatives particularly in relation to youth e.g. Eastside Youth; homework support in libraries.
- **Planning for and the provision of transport** related infrastructure e.g. Self explaining streets in Pt England designed to reduce speed and give back some of the street to community use; AMETI (the Auckland Manukau Eastern Transport Initiative) designed to remove through traffic off local roads; improve connections to the Tāmaki innovation precinct; and provide direct public transport routes with Tāmaki and to the south.

In total over the ten years from 2009-2019 over \$373 million was committed to Tāmaki in the Ten Year plan.

Central Government in Tāmaki - the Tāmaki Transformation Programme

In June 2007, the Tāmaki Transformation Programme (the Programme) was established as a partnership between central government agencies, local government and other agencies. The idea for the programme came from the then chair of HNZC, Pat Sneddon. HNZC was poised to undertake a significant redevelopment programme in Tāmaki due to poor condition of its stock there. Pat at that time was also chair of the Auckland District Health Board and so was aware of the significant amount of government health money being channeled into Tāmaki without much obvious benefit. Pat identified an opportunity for central government agencies, local government and other parties to work together in a more integrated way to get better value for money, to address social exclusion and to make the area a better place to work and live for current and future residents.

A Value Proposition paper outlined a 20 year long term programme of work required to transform Tāmaki was delivered to Cabinet in April 2009 and the next phase of the Programme was formally announced by the Minister of Housing in May 2009. Central government earmarked from existing budgets an initial \$52m commitment to the initiative.

Over the next 20 years the Programme aimed to turn this area of east Auckland into an attractive and thriving community by:

- creating and sustaining a strong local economy by building a more skilled community and attracting job rich mixed-skill businesses
- developing high level amenity and quality urban design
- building confidence and developing strategic partnerships to attract private sector investment
- engaging residential and business communities in the transformation of the area.

In May 2009, ACC's confirmed its ongoing involvement in the Programme, noting that;

- Tāmaki is a priority economic development and growth area for the city, and
- the Council had committed significant resources over the years in planning for that growth and
- the Council had committed to a programme of capital works in Tāmaki to deliver the infrastructure needed for that growth (around \$ 373 million over the next ten years).

The City Development committee also resolved that the Council should continue to support the Programme in the following manner;

- representation on the Tāmaki Transformation Programme Board by a senior officer
- representation on the officers' steering group by an officer

- secondment full time of a planner/urban designer; and an open space planner to the development plan project team
- secondment on a part time basis of a development engineer to the development plan project team
- an internal officers team which provides specialist technical advice when required
- participation by ACR services place managers in community engagement processes and input into service delivery reviews where appropriate to work programme.

Programme partners

Programme activities are managed by a project team through the Tāmaki Transformation Board (the Board). The Board to date has comprised a network of interests from:

- Central government agencies: the Department of Prime Minister and Cabinet, Ministry of Education, Housing New Zealand Corporation (the Corporation), Ministry of Pacific Island Affairs, Ministry of Social Development, Te Puni Kōkiri, New Zealand Police
- Auckland City Council
- Auckland District Health Board
- Auckland Transition Agency
- Mana whenua (Ngāti Whātua o Ōrākei and Ngāti Paoa)
- members of the Tāmaki community
- the private sector.

The Board periodically reports to a Tāmaki Ministers' Group comprising: the Ministers of Finance; Health; Social Development and Employment; Education; Housing; Pacific Island Affairs and Māori Affairs and advises on the Programme's progress.

Urban regeneration

The Programme adopted a regeneration approach. This approach, which aims to reverse economic, social and physical decline, has been adopted overseas, and has successfully transformed places and changed lives. Within Tāmaki this approach is focused on building on the area's strengths including; a desirable geographical location in close proximity to Auckland's CBD and eastern bays, and a community with strong local networks and an expressed desire for change, by:

- promoting business development and enterprise
- giving people the skills to progress
- improving the flexibility and targeting of government services
- upgrading infrastructure, along with residential, commercial and public places and spaces

The upgrade of physical assets in Tāmaki will catalyse broader social transformation by:

- attracting private sector investment (physical upgrade will provide a foundation for private sector interest in regeneration activities)
- providing employment, training and economic development opportunities
- improving the overall look and feel of the area.

Physical upgrade in Tāmaki will be complemented by targeted social sector interventions.

The foundation years

A range of Programme activities have been underway. The priority areas in the Programme's foundation period 2009/10 – 2010/ 2011 are:

- **That children enter school healthy and ready to learn**
- **That literacy levels among children are raised**
- **That families are strong, healthy and well-supported**
- **To build capacity for employment**

- That neighbourhoods are safe, healthy and well designed.

Programme partners are contributing to these priorities through a range of short-term activities. HNZA currently underwrites the operation of the Programme's core project team comprising key managerial roles and administrative support (6 FTE plus on-costs). Other partners contribute personnel and funding to support specific Programme activities, for example ACC had an Urban Designer and an Open Space Planner seconded for 24 months to the Programme's Development Planning work stream. The Ministry of Social Development have two staff seconded to the Programme's Community Services Integration work stream on a similar basis. Appendix one gives an update of progress in these areas of work. A key matter to note is that while physical improvements in Tāmaki have been limited there has been considerable success in engaging the wider Tāmaki community in the Programme's work. The community has bought in strongly to the concept of central and local government agencies working with the community on co-led and co-designed projects; and has also taken the initiative through running community led projects in parallel to the Programme.

Ongoing Governance of Programme

During the 2010 it became clear that a new governance structure was required to progress both the integrated Tāmaki Transformation programme but also the implementation of the proposed Development Plan. The current Tāmaki Board has been built on the basis of representation not implementation. The Board represents a 'coalition of the willing' with limited coordination and decision-making powers, and no accountability for the expenditure of funds (partner agencies independently manage funding and make personnel available to the Programme). The Board itself recognised that this structure is unsustainable and will not deliver transformation to Tāmaki: physical redevelopment progress has been slow and small scale and the lack of formal Programme partner commitment makes it difficult to attract the necessary private sector investment to the area. While the Board has undertaken essential groundwork, and provided a forum to connect a wide range of individuals and networks with an interest in Tāmaki's transformation, a new approach to decision-making and oversight is required in the implementation of the regeneration effort.

As a result the Minister of Building and Housing requested a cabinet paper on which governance structure would be the most appropriate to take the Programme forward into implementation. Cabinet received the confidential paper in late October 2010. In December, the Minister of Building and Housing released the following media statement

"Housing Minister Phil Heatley has today announced the Government's intention to create an Interim Tāmaki Transformation Board (ITTB).

The ITTB will move the Tāmaki Transformation Programme, a 15 to 20 year project aimed at redeveloping the Tāmaki area, to its next phase. Its brief will be to explore urban regeneration entities to provide Ministers and the new Auckland Council with advice on options and a recommended structure, scope, mandate and legal form for a new regeneration entity.

Mr Heatley says it is possible this interim governance structure may develop into New Zealand's first Urban Development Agency.

"The Establishment Board's focus when appointed in 2007 was on community engagement and improving the quality of state housing in Tāmaki.

"The new Board will build on the positive levels of community engagement and take steps to formally partner with Auckland Council to create measurable improvement under four key components," he said.

"A social component will support Tāmaki residents and families to get the skills, knowledge and employment opportunities they need. An economic component will look at measures to strengthen the local economy. A spatial component will create safe and connected neighbourhoods and the housing resources component will look at making optimal use of land and existing housing stock. This will inevitably mean extensive subdivision, building and infrastructure investment," says Mr Heatley.

“The Establishment Board has reached the end of its tenure. It has done a great job and I want to thank them for the work they have put in to this important project. Establishment Board Chair, Pat Snedden, has agreed to continue to oversee Tāmaki until a new interim board is appointed at the end of March 2011”, he said.

“The Tāmaki Transformation project is extremely important to the Government. The ITTB will be made up of Chief Executives of all relevant ministries as they are best placed to drive improvements and I will ask Auckland Council to advise on iwi and community candidates,” said Mr Heatley.

“I will also be liaising with Mayor Len Brown regarding the appointment of two senior officials from the Auckland Council,” he said.

“It is important that we get the right people with the right skills and influence in place to drive the transformation of Tāmaki. A strong Auckland Council presence on the new Board is essential to achieve this.”

Decision Making

Auckland Council’s Ongoing Involvement in the Tāmaki Transformation Programme

As set out in Minister Heatley’s media release a new interim Board is to be established for the Tāmaki Transformation Programme. The Board will be comprised of;

- chief executives of all the relevant central government ministries;
- two business representatives;
- two senior officials from Auckland Council;
- iwi and community representatives.

Minister Heatley has asked the Mayor to identify two senior officials from Auckland Council; and also advise on possible iwi and community representatives.

The proposed role of the interim Board will be responsible for the exploration and recommendation for a new urban regeneration entity and will provide advice on options, scope mandate and legal forms to sustain the redevelopment of Tāmaki over the next 15-20 years.

The interim Board will commence by March 2011 and is required to make its recommendations by June 2011.

Ongoing representation by Auckland Council on the Tāmaki Transformation Programme must continue for the following reasons

- Auckland Council (including its CCOs) is one of the largest landowner in Tāmaki alongside HNZC and the Ministry of Education. It will be important to ensure that any urban regeneration entity recommended by the interim Board maximises the public benefits of that landownership to not only the Tāmaki community but also the wider Auckland community.
- Various models for urban regeneration entities exist – ranging for joint ventures to entities with planning, regulatory and development rights. Consideration of any model must be informed by the impact that model may have on wider Council planning and operations
- Auckland Council has a responsibility to ensure that the goodwill and community empowerment so far achieved in the Programme is kept to the forefront in any consideration of a regeneration model. As the local council the community will look to us to ensure the new approaches to working with community are not lost going forward.

The Tāmaki Transformation Programme has always represented an opportunity for central and local government to work in more integrated and innovative ways with the community. It is imperative not only for Tāmaki but also for other similar state housing areas across greater Auckland and NZ that the urban regeneration model recommended by the interim Board delivers that aspiration.

To ensure that occurs it is recommended that two of the Council's most senior officials – the Chief Executive and the Chief Planning Officer be endorsed as Auckland Council's members of the interim Board.

Significance of Decision

Tāmaki is identified as a Priority one growth area in terms of the Regional Growth Strategy and the former ACC's Growth management strategy. It is an area of enormous potential in terms of economic and community growth and development. Actively participating in the Tāmaki Transformation Programme and on the proposed new interim Board recognises the ongoing importance of Tāmaki to Auckland.

Consultation

N/a

Financial and Resourcing Implications

Currently within the ten-year plan over \$373 million has been set aside to undertake a range of capital and operational projects in Tāmaki. Of that \$300,000 of operating expenditure has been set aside specifically for the Tāmaki Transformation Programme.

Ongoing participation of Auckland Council in the Tāmaki Transformation programme will identify potential additional costs to Council. These will need to be reported through the appropriate channels when they arise.

Legal and Legislative Implications

N/a

Implementation Issues

Implementation issues will be identified once the model for the urban redevelopment agency is identified.

Attachments

No.	Title	Page
A	Tamaki Transformation Programme	15
B	Map One - Tamaki Edge	19
C	Map Two - Tamaki Area Plan	20

Signatories

Authors	Penny Pirrit, Regional and Local Planning Manager
Authorisers	Dr Roger Blakeley, Chief Planning Officer

ATTACHMENT ONE

Tāmaki Transformation Programme

The Tāmaki Transformation Programme (TTP) sets out to change social, educational and economic outcomes in a disadvantaged community on a scale not attempted before in New Zealand. Besides scale, its distinguishing feature is a methodology of integrated partnership involving crown agencies, Auckland Council and private investors with the community. Explicitly, some projects are agency-led, some community-led and some led by co-design principles. A two-year action plan developed for 2009-2011 foreshadows a twenty-year plan for comprehensive renewal. It comprises a number of foundation projects designed to achieve early wins, and to test new ways of working and delivery across organisations and community. An update on recent progress follows :

Goal	Description	Update (January 2011)
Improving children's readiness to learn	This is a co-design project with Ministry of Education, working alongside parents, educators and community groups to increase participation in early childhood education (ECE) and pre-school health checks. An intensive analysis has been completed of the impediments to take-up of pre-school options, and assessment of the capacity and fit of existing facilities.	<p>Working with the community, an educationally robust action plan has been developed to improve early childhood learning in readiness to start school. It outlines the gaps and opportunities for further provision and identifies that varied solutions are required to address low participation rates and improve quality of delivery in Tāmaki. The action plan will address the necessary improvements required.</p> <p>Five new supported playgroups have been established, based in and run by community members, with support from professional educators in curriculum delivery, parent engagement, management and administration. This is a pilot initiative developed to increase participation of traditionally low participating groups in high-quality ECE.</p> <p>Professional development programmes for ECE educators are underway to enable improved quality in ECE delivery.</p> <p>Tāmaki has recently been identified by the Ministry of Education as a priority within the national spend to improve participation in early childhood education. This will see the location of further initiatives in Tāmaki over the next four years.</p>
Enhancing literacy through e-learning	'Manaiakalani – Tāmaki Learning Net' involves equipping every student from year 5-13 with a wireless enabled laptop and the ability to access school based internet services from home and school. This new educational approach is driving significant	A business case has been finalised that involves equipping 2500 students over 4 years with a netbook device that connects home and school. To date, 100 netbooks have been deployed at Pt England school, and by February, 500 students across several schools will be equipped. The project requires the implementation of wireless broadband across Tāmaki, in the absence of available, affordable fibre. It is enabled by a Google-based computing solution, and also

Goal	Description	Update (January 2011)
	<p>improvement in literacy rates within the Tāmaki cluster of 11 schools, with evidence from the pilot group demonstrating reading levels have improved at average of 4 times the expected national shift. This performance, involving mostly Maori and Pacific students, is scalable and nationally significant. Through the provision of an e-learning environment in schools, the programme is paving the way towards digital enablement for the wider Tāmaki community.</p>	<p>addresses the professional development required for teachers to apply the method and technology.</p> <p>The imminent establishment of the Manaiakalani Community Trust is designed to provide a mechanism for asset ownership and the project's long-term sustainability and infrastructure support.</p>
<p>Employment and training</p>	<p>Pathway to Health Careers is a co-design initiative that aims to provide over 100 residents with comprehensive, end-to-end support to succeed in a professional health career within 5 years. These residents currently receive the DPB, unemployment benefit, are returning to work or school leavers. The project aims to break a cycle of poor educational outcomes and low aspirations leading to poor economic outcomes.</p> <p>TTP is working with partner organisations and businesses to create opportunities for Tāmaki residents to get jobs.</p>	<p>As part of the Pathway to Health Careers project, the first cohort of 15 trainees has recently started preparatory work for a career Contractors delivering Housing New Zealand Corporation construction work now have contractual obligations to deliver specific and measurable work experience, training and employment opportunities for Tāmaki residents.</p> <p>Liaison with local businesses is providing residents with a broad range of work experience opportunities. Over 100 residents will have completed work experience by June 2011; 18 people placed to date now have a permanent job, including 2 building apprenticeships. These opportunities will continue to grow as further construction gets underway.</p> <p>9 local youth have graduated with a certificate in basic property maintenance.</p>
<p>Community Engagement</p>	<p>The focus of TTP community engagement is to support and strengthen community leadership, support community priorities and strengthen the capacity of government agencies to work in new ways.</p>	<p>TTP provided the catalyst for the formation of the TIES (Tāmaki Inclusive Engagement Strategy) group of 11 local community commentators who have guided TTP and recently published <i>Creating TIES that Strengthen</i>, a framework and tools for inclusive engagement. This is a beautiful and significant book of local and national significance.</p> <p>Four Kaiarahi community facilitators training programmes have been completed. These courses are building the confidence and leadership capacity of local people, and equip them to contribute actively across their own community networks as well as to TTP.</p>

Goal	Description	Update (January 2011)
		<p>The Hunga Tiaki group is in place to foster Maori leadership, and progress the formation of the Tāmaki Alliance, a community-driven forum intended to influence decisions that affect Tāmaki.</p> <p>A Tāmaki Pacific forum is in development.</p>
Neighbourhood development and housing modernisation.	The Neighbourhood development project is concentrating place-based initiatives and services in a local neighbourhood of around 350 households. Activity is focused in a location where HNZC is modernising 120 homes over 3 years, and this work is being used as a catalyst to test specific neighbourhood renewal strategies to draw in community commitment to safer, improved living environments and to provide local employment options.	60 houses have been modernised to date. This process has utilised place-based contracting processes that include a requirement for labour to be sourced locally for jobs wherever possible. Local people have established their own Panmure East Residents' Association, and are working alongside council and agencies on a range of neighbourhood improvement initiatives, include a community garden and landscaping.
Housing redevelopment : 4 Kings Road, Panmure	This project involves removing 15 run-down units and replacing them with 40 new apartments. This is the first stage of an intended commitment to spend in excess of \$50m by HNZC in next three years as a strategy to attract private investors to invest long-term in line with the Tāmaki Development Plan.	<p>Construction commenced in November 2010 and is expected to be completed within one year. Discussions with private sector investors in relation to subsequent redevelopment will intensify with release of the Tāmaki Development Plan and Economic Development Proposition (EVP) after July 2010.</p> <p>HNZC is working on the location and staging of subsequent redevelopment sites. This work is taking into consideration opportunities to improve parks and public areas, and improvements to roading and infrastructure, identified as part of the draft Tāmaki Development Plan.</p>
Tāmaki Development Plan and Economic Value proposition	This Plan proposes a roadmap for spatial, economic and social transformation over the coming 20 years. It is supported by an economic value proposition (EVP) that underpins the re-direction of current Crown investment necessary in the area and will drive the rationale for private sector investment in	<p>Lengthy preparation preceded a four-day workshop involving agencies, community and private sector representation, to provide clarity around key themes and priorities for urban renewal.</p> <p>A summary document has been produced to assist communication with central government, and wider public engagement is expected to commence in 2011, following further direction from the TTP Board.</p>

Item 10

Goal	Description	Update (January 2011)
	partnership with the Crown. As housing is upgraded and redeveloped, physical change will become a catalyst to drive social and economic change, provide the conditions for growth and attract private investment.	An independently prepared Economic value proposition has assessed that the proposed interventions will achieve significant economic and social benefits and cost-savings.

Attachment A

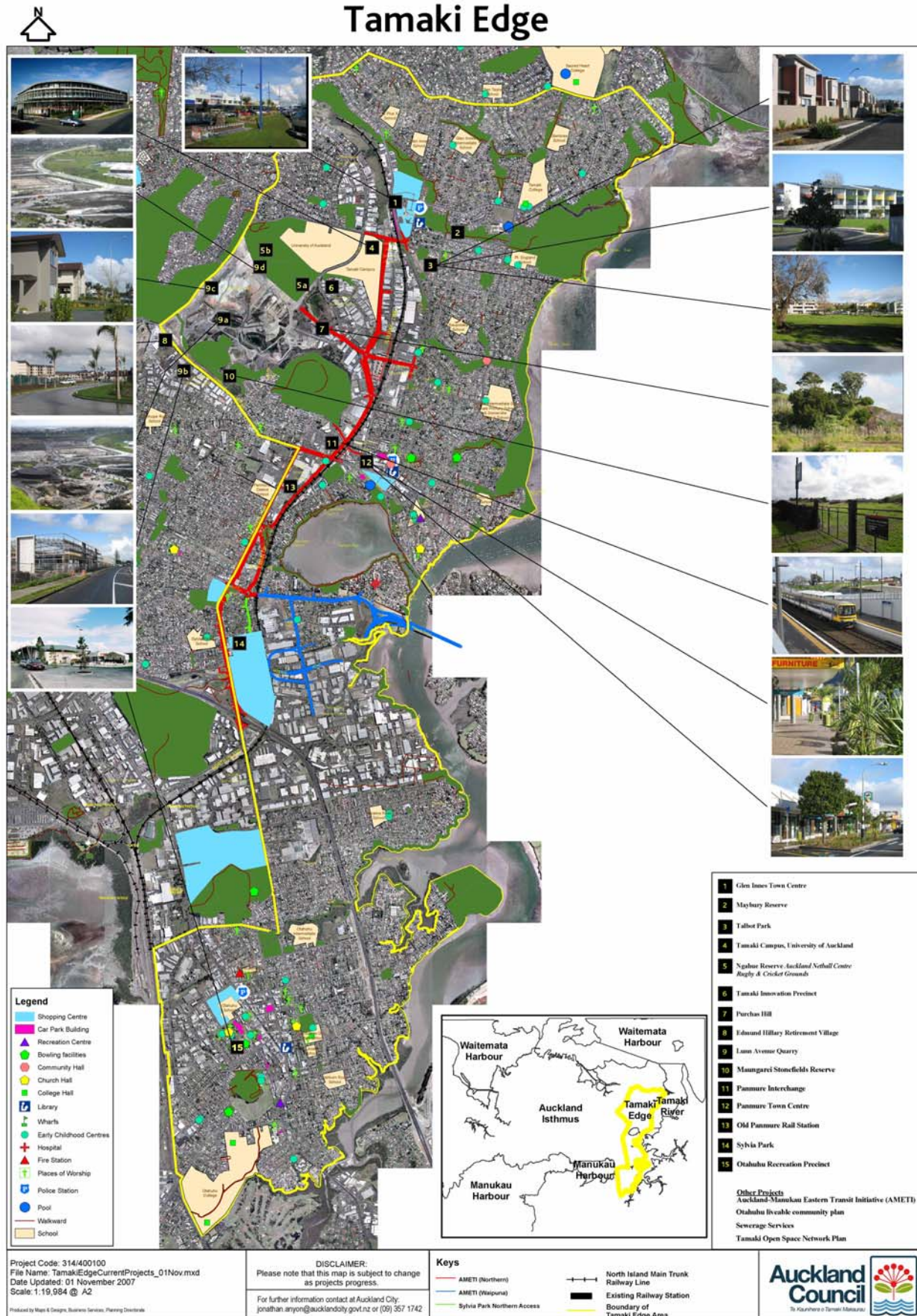
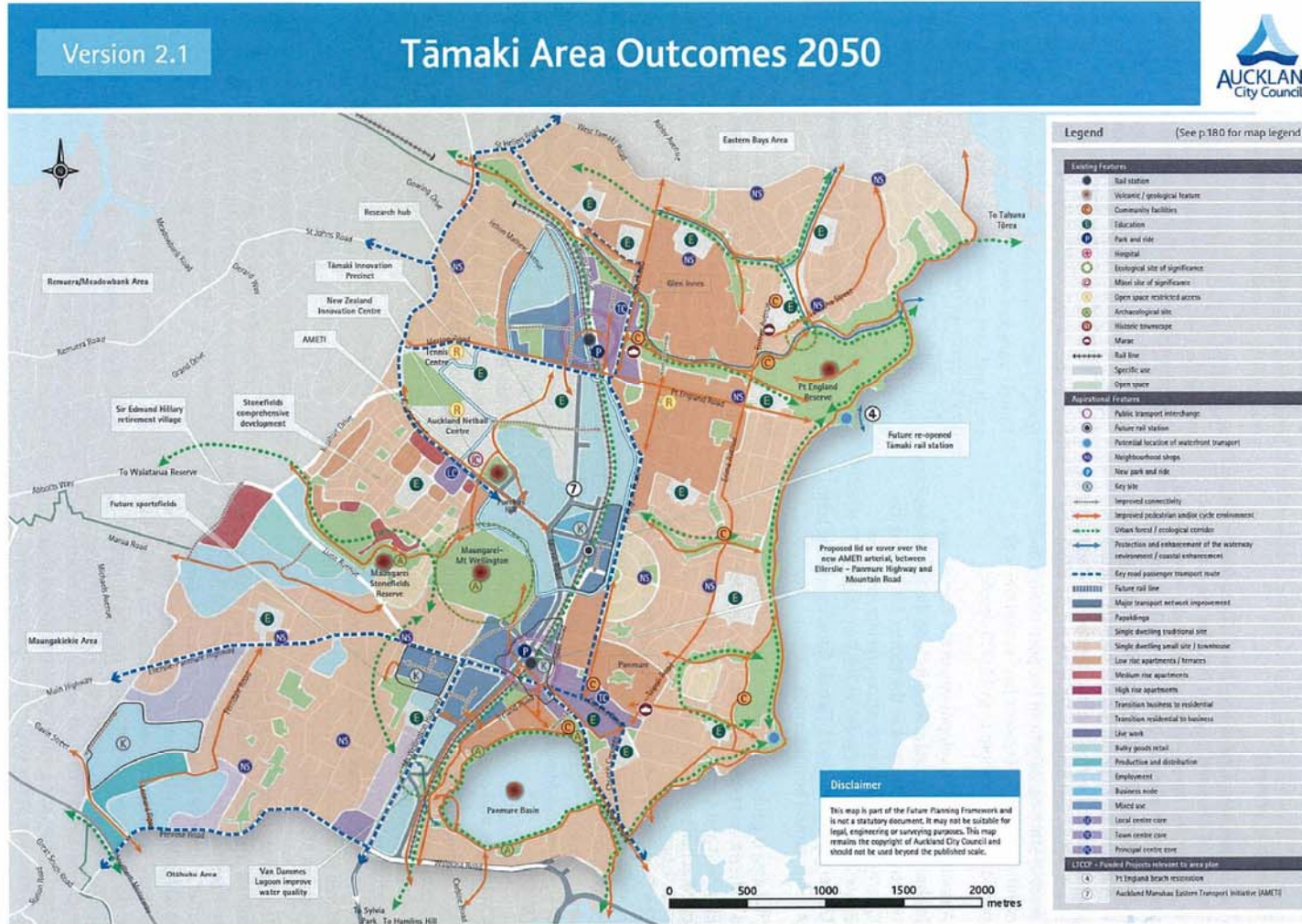


Figure 5.1 - Tāmaki area outcomes 2050 (see 7.5 Appendix E for map legends (p.180))



5.10 Tāmaki area plan summary

Proposed International City Centre Masterplan

File No.: CP2011/00137

Executive Summary

This report is seeking approval for the proposed approach and actions for preparing a vision-led 20 year City Centre Masterplan (CCM) including initial thoughts on the strategic objectives and key projects.

The Mayor and councillors have, as part of the Auckland (Spatial) Plan preparation, identified the need to initiate a masterplanning exercise for the city centre as one of the priority place-based projects. This work will support the wider strategic direction for the region and ensure that the city centre plays a pivotal role in delivering the Mayor's vision of Auckland becoming the world's most liveable city.

The CCM is to be developed for a geographical area that comprises one international city centre serving all of Auckland. The final extent of the CCM area is to be determined through the masterplanning process but could encompass an area beyond the Central Business District (CBD), as proposed in the Royal Commission Report on Auckland Governance (March, 2009). Regardless of the study area boundary the term CBD is to be dropped in favour of city centre which better reflects the multifaceted nature of the urban core.

The waterfront masterplan currently being prepared by the Auckland Waterfront Development Agency Limited (AWDAL) on behalf of council and proposals for the city centre rail link being led by Auckland Council (AC) and Auckland Transport (AT) will form integral parts of the CCM. It is intended that all of these workstreams be coproduced by council, AWDA and AT.

The final CCM will become the guiding document for future planning and investment decisions of both council and key stakeholders. The document will include;

- a vision statement
- strategic objectives
- outcomes and key performance indicators
- strategic plans
- transformational projects and actions; and
- a delivery plan

It will also be supported by a number of technical papers that will provide the full rationale for the proposals contained within the main document.

A CCM - Initial Ideas Document will be issued during March for key stakeholder and community engagement as part of the wider Auckland Plan consultation process. It will comprise a draft vision statement, set of strategic objectives, list of transformational ideas and a series of related questions. The Waitemata Local Board and the CBD Board will be consulted on the Initial Ideas Document prior to its launch.

A draft CCM will be released in June 2011 following approval from the Committee. It is intended that the final CCM be adopted by Council at the same time as the Auckland Plan later in the year with agreed projects being included within the 2012-2022 Long Term Council Community Plan (LTCCP).

Recommendation/s

- a) That the report be received.
- b) That the proposed change in terminology from Central Business District (CBD) to 'city centre' be noted.
- c) That the proposed approach and actions for preparing a city centre masterplan for a geographical area that comprises one international city centre serving all of Auckland be approved.
- d) That the suggested strategic objectives and list of initial ideas be noted as the basis for engagement with the public and key stakeholders during March and April.
- e) That all relevant divisions of council and the CCO's be notified to support the preparation of the city centre masterplan as a priority

Background

Work on preparing an area spatial plan for the city centre commenced last year under Auckland City Council (ACC). In November 2010 this work received a new mandate and direction when the Future Vision Committee requested that:

“ a masterplan be developed for a geographical area that comprises one international city centre serving all of Auckland, potentially including areas from Ponsonby ridge to Parnell ridge. The methodology and actions for preparing such a master plan are to be reported back to the February 2011 committee for its approval. The masterplan for the city centre will be integrated with the masterplan for the waterfront development being prepared by the Waterfront Development Agency and also with consultation with the Waitemata Local Board “

It is proposed that a 20 year City Centre Masterplan (CCM) be prepared to include a strong and compelling vision and strategy for the city centre with a programme of transformational projects and actions identified under a number of strategic objectives. The city centre will be broken into a number of quarters and urban centre 'villages' with the future role, function and form of each identified. Preparation of this guiding document will build on the existing knowledge base, strategies, proposals and the many recent transformational projects including:

Research and Strategies:

- Public Life Survey by Gehl Architects (2010)
- CBD Gateway Walking and Cycling Study (2009)
- Central Area Heritage Themes Mapping (2010)
- CBD Transport Into the Future (2010)
- Learning Quarter Plan (2009)
- Learning Quarter Structure Plan (2010)
- CBD Waterfront Masterplan (2009)
- Aotea Quarter Plan (2007)
- Victoria Quarter Plan (2006)
- CBD Retail Development Strategy (2009)
- Central Area District Plan (2004)
- City Centre Rail Link Business Case (2010)
- City Centre Urban Design Framework (2009)
- CBD Into the Futures Strategy (2007)
- City Centre Spatial Framework Draft Discussion Paper (2010)

Delivered Projects:

- Aotea Square
- Vector Arena

- Queen Street Upgrade
- Lane upgrades (Lorne Street, Vulcan Lane, Swanson Street)
- Lower Karthoum Place
- Central Connector busway
- St Patrick's Square
- Vulcan Lane
- Swanson Street

Key Projects Under Development:

- Shared space network (Fort Street, Derby Street, Elliot Street and Lorne Street)
- Q-Theatre
- Auckland City Art Gallery redevelopment
- Kitchener Street and upper Khartoum Place
- Princes and Alfred Street upgrades
- Wynyard Quarter projects (AWDAL-led)
- Jellicoe Precinct
- Viaduct Events Centre

It is proposed to issue and present a CCM Initial Ideas Document during March and April as part of the wider public consultation on the Auckland Plan. It will present a draft vision statement for the international city centre which will be based on the Mayor's vision of creating the world's most liveable and beautiful city i.e. a powerhouse economy, an eco city, an accessible public transport led city and strong and cohesive communities. It will also seek to capture how an international city centre can help deliver on the strategic place based directions being developed through the Auckland (Spatial) Plan.

The vision will frame a number of strategic objectives building on those identified in recent work, specifically the Jan Gehl Architects Public Life Survey 2010, with a series of project ideas and related consultation questions identified under each. Initial thoughts are that these may comprise three core objectives:

- **A well connected city centre** – a city centre in touch with the surroundings and benefiting from a 21st century public transport system. A city centre with a high quality network of connections and a distinct street hierarchy. Potential projects to include:
 - Enhanced ferry system
 - A city centre rail link
 - Light rail corridors/links
 - Dedicated walkways and cycle ways (including a cycleway over the Harbour Bridge)
 - Major public transport hub on Wellesley Street
 - Changes to Hobson and Nelson Streets (e.g. two waying)
 - Location and type for second harbour crossing
 - Bus, rail and light rail connections between the city villages, the inner quarters and wider city
 - An airport to city centre rail link
- **A waterfront city centre** – a vibrant and inviting waterfront as a key amenity capable of attracting people to invest, live, work and visit and changing the image of the city as a whole. Potential projects to include:
 - Key waterfront sites for public buildings, public spaces and mixed use quarters
 - Future direction of Port development
 - Continuous waterfront edge esplanade
 - A series of waterfront plazas
 - Location/s for cruise terminal(s)

- 'Boulevarding' of Quay Street
- Free mooring options and facilities to support public recreation or commuter boating
- **A lively and desirable city centre** – a city centre with a diverse range of uses and opportunities, an extraordinary urban environment with world class streets and spaces that serve to make it one of the worlds premier business locations and destination for visitors and Aucklanders' alike. Potential projects to include:
 - A city centre divided into quarters and connected urban 'villages' (Grafton, Parnell, Ponsonby/Three Lamps, Newton)
 - Location/s for a convention centre
 - Pedestrian malling of some street areas
 - Covering of sections of the motorway ring road with useful public space and mixed use activity opportunities
 - Further pedestrian improvements to Queen Street
 - Improved/new parkland and plazas
 - Locations for child focused play opportunities
 - Primary retail district centered along Queen Street
 - Shared spaces
 - Building intensification in locations to support business growth
 - Conservation areas to protect heritage
 - New destination uses including a downtown Chinatown
 - General development opportunities

Key stakeholders will be engaged in workshops with the masterplanning team. Others will be invited to review and make comment on the initial ideas. Where practicable the masterplan work will link directly with the overall Auckland Plan engagement process. The Waitemata Local Board and the CBD Board will be consulted on the Initial Ideas Document prior to its launch

From this stakeholder engagement and further concurrent analysis of existing, refreshed and new research data, a draft city centre masterplan will be developed. The draft city centre masterplan will be released in June 2011 and will include:

- a vision statement
- strategic objectives
- outcomes and key performance indicators
- strategic plans
- transformational projects and actions; and
- a delivery plan

It will be supported by a number of technical papers that will provide the full rationale for the proposals contained within the main document. The successful CCM will be:

- Visionary: it will raise aspirations and provide a vehicle for consensus building, strategic decision making and implementation
- Flexible and enduring: it will provide a framework capable of evolving over time in response to changing circumstances whilst still holding true to the overall vision and objectives
- Place specific: it will consider the city centre as a network of interdependent quarters, exploring the future role, function and form of each.
- Deliverable: it will be grounded in commercial reality and take into account likely implementation and delivery routes
- Responsive: it will be the result of a participatory process, providing all the stakeholders with the means of expressing their needs and priorities
- Integrated: it will relate to the planning policy framework, while allowing new uses and market opportunities to exploit the full development potential of the city centre

It is intended that the final CCM be adopted by Council at the same time as the Auckland Plan later in the year.

The waterfront masterplan currently being prepared by the Auckland Waterfront Development Agency (AWDA) on behalf of council and proposals for the city centre rail link being led by Auckland Transport (AT) will form part of the CCM. It is intended that all of these workstreams be co-produced by council, AWDA and AT. A governance structure to oversee the development of all of these interrelated works streams is currently being developed to ensure continuity and avoid duplication of effort.

Decision Making

The recommendations in this report, and the decisions sought from this Committee, are to enable council officers to continue to progress the preparation of the city centre masterplan in accordance with the directive of the Mayor and council.

Significance of Decision

The decision to approve the approach and actions to prepare the CCM will allow council officers to review, investigate and test draft key ideas and undertake stakeholder engagement to further the progress of the CCM to coincide with the Auckland Plan timelines.

Consultation

Consultation is proposed with the public and stakeholders at key points in the CCM programme (Refer to Attachment A: Broad timelines for the preparation of the CCM) Detailed dates, times and stakeholder lists have yet to be determined. Discussions have already taken place with AWDAL, AT and ACPL over the approach and actions proposed and a cross-agency steering group is to be established.

Financial and Resourcing Implications

The preparation of the CCM will include reasonable costs associated with the overall preparation, consultation, communication and publication. Units across the CPO have collectively allocated \$250,000 to the preparation of the CCM. The CCM will be produced internally. Officers undertaking the work will be carried by staff salary budgets, further funding and/or in-kind resourcing will be sought from other areas of the CPO, Auckland Council, Auckland Transport, Waterfront Development Agency and other Council Controlled Organisations.

Legal and Legislative Implications

The preparation of the CCM will inform the Auckland Plan, which is subject to the Local Government (Auckland) Council Amendment Act 2010 and the Local Government Act 2002.

Implementation Issues

There is a tight timeframe to implement the preparation of the CCM. To achieve this will require a clear mandate from the Council to all divisions of the Council and CCO's to provide support to this work as a priority.

Attachments

No.	Title	Page
A	Broad Timeline for the preparation of the city centre masterplan	27

Item 11

Signatories

Authors	Simon Lough, Team Leader CBD Transformation Tim Watts, Manager Built Environment
Reviewers	Penny Pirrit, Regional and Local Planning manager
Authorisers	Ludo Campbell- Reid, Environmental Strategy & Policy Manager
Approver	Dr Roger Blakeley, Chief Planning Officer

	January				February				March				April				May				June				July				August				September				October				November				December																																							
	2-7 Jan	10-14 Jan	17-21 Jan	24-28 Jan	31Jan - 3Feb	7-11 Feb	14-18 Feb	21-25 Feb	28Feb-4Mar	7-11 Mar	14-18 Mar	21-25Mar	28Mar-1Apr	4-8 Apr	11-15 Apr	18-22Apr	25-29 Apr	2-6May	9-13May	16-20May	23-27May	30May-3Jun	6-10Jun	13-17Jun	20-24Jun	27Jun-1Jul	4-8Jul	11-15Jul	18-22Jul	25-29Jul	1-5Aug	8-12Aug	15-19Aug	22-29Aug	29Aug-2Sept	5-9Sept	12-16Sept	19-23Sept	26-30Sept	3-7Oct	10-14Oct	17-21Oct	24-28Oct	31Oct-4Nov	7-11Nov	14-18Nov	21-25Nov	28Nov-2Dec	5-9Dec	12-16Dec	19-23Dec																																	
Preparation																																																																																				
1. Background & baseline data getting a review																																																																																				
2. Setting up master plan team																																																																																				
3. Initiate research in any gaps in data etc (consultants/officers)																																																																																				
4. Look & feel - branding in consultation with comms/marketing - AKL plan project management																																																																																				
5. Interactive engagement process through other mediums-decide & implement																																																																																				
6. information at relevant milestones to steering team																																																																																				
7. arrange time for stakeholder engagement sessions, venues, catering, tea resourcing etc																																																																																				
8. create brief & have it signed off																																																																																				
To Do																																																																																				
1. Develop draft masterplan for review & discussion with stakeholders																																																																																				
2. Sessions with stakeholders																																																																																				
3. Initial draft for first review (peer)																																																																																				
4. Targeted stakeholder engagement workshops to robustly test draft																																																																																				
5. Amend and change draft as a result of engagement with stakeholders																																																																																				
6. Broader stakeholder engagement as subset of AKL plan consultation process																																																																																				
7. Review further comments & information from gaps identified in January gathering phase																																																																																				
8. Quarter area studies preliminary & slightly more detailed than masterplan level- preparation																																																																																				
9. Quarter area studies preliminary & slightly more detailed than masterplan level-summary/design																																																																																				
10. Format final document and publish																																																																																				

Draft Council Submission on the Aquaculture Legislation Amendment Bill (No.3)

File No.: CP2011/00171

Executive Summary

In late November 2010 the Government's Primary Production Select Committee released the Aquaculture Legislation Amendment Bill (No 3) for public submissions, with a closing date of 11th February 2011. The Bill would significantly change the current aquaculture legislative framework and affect the way the Auckland Council carries out its roles and responsibilities concerning planning for and consenting of aquaculture activities within the regional coastal marine area.

The report explains the importance of the Council lodging a submission so that the potential effects of the Bill upon aquaculture management within the special circumstances that exist in the Auckland region can be considered by the select committee. The report also explains what type of aquaculture activities are covered by the Bill and provides some background context for the current level of aquaculture within Auckland compared to the rest of the nation. Industry aspirations and Government support for these is identified along with comment on how the Auckland region might feature within these.

The potential benefits that aquaculture development might bring to the region are mentioned along with the potential costs to other uses and values. The particular interest of iwi in aquaculture development is also touched upon. The report identifies the need to balance out the potential costs and benefits of sustainable aquaculture so that it does not unreasonably compromise, now and into the future, the numerous and often competing uses and values of Auckland's highly valued coastal marine area.

A brief account is provided of how the current aquaculture laws were enacted in 2004 following extensive reform of the previous legislative framework when this was found to be inadequate to address a major upsurge in marine farming interest. This was experienced around the turn of the millennium in many places nationally including in Auckland. The major provisions introduced by the 2004 aquaculture law reforms (such as the requirement to establish aquaculture management areas within a coastal plan before consents to farm within them could be applied for) are noted along with the several initiatives from the Auckland Regional Council (ARC) to implement these provisions within Auckland's regional coastal plan. However, the report also notes how repeated shifts in the legislative framework governing aquaculture, including the current amendments proposed by the Bill, have stymied these initiatives and that the aquaculture provisions in the coastal plan have yet to be properly updated and made operative. The report mentions the most recent initiative where a proposed precautionary aquaculture policy direction was released by the ARC, and summarises the feedback obtained on this.

The Government's frustration with the effect of the 2004 reforms is mentioned along with a precursor to the current Bill provided by a report on possible legislative changes to kick start aquaculture from a Technical Advisory Group. Many of the recommendations from that report have been taken up by the Government. The report then summarises the major amendments to the current legislative framework proposed by the Bill. The report notes how the coincidence of the submission period with the early stages of operation of the Auckland Council and with the Christmas holiday period has significantly limited consultation opportunities.

A draft Council submission is attached to the report (Attachment 1) for the Committee's consideration. The draft submission suggests that Council be broadly supportive of amendments proposed by the Bill but also suggests that extension of a proposed moratorium timeframe be sought, and suggests one significant proposal that has the potential to undermine the autonomy of regional decision making on aquaculture be opposed.

Some explanation for the suggested position taken in the draft submission is provided in the attached submission itself. Further analysis and explanation is provided within this report which examines some of the potentially positive implications of the Bill's proposals for the Auckland region (such as increased economic opportunities) as well as some of the potentially negative implications (such as applications for new space outpacing the Council's revision and strengthening of its currently outdated aquaculture policy framework).

The potential opportunities and threats of aquaculture development are expanded upon and the assessment concludes that informed planning for aquaculture best takes place within a broader integrated process where its various requirements, implications and opportunities are able to be considered along with the implications, opportunities and aspirations of other uses and values within the catchments and coastal marine environments of the whole region. The report identifies how current development of the Auckland (spatial) Plan provides a particularly important opportunity to consider and address some of these complex matters, and suggests the major steps in this process. These include how the broad direction established by the Auckland Plan might subsequently be fleshed out during development of the statutory policy and rule framework of the Unitary Plan (and/or coastal plan) and how this package of work provides a unique opportunity to integrate planning across both land and sea.

Recommendation/s

- a) That the report be received.
- b) That the Auckland Future Vision Committee
 - i) Approve the Council submission on the Aquaculture Legislation Amendment Bill (No. 3) for lodging with the Primary Production Select Committee by February 11th 2011, or;
 - ii) Delegate authority to the Committee Chair and Deputy Chair to approve final amendments to the Council submission on the Aquaculture Legislation Amendment Bill (No. 3) for lodging with the Primary Production Select Committee by February 11th 2011.
- c) That the Auckland Future Vision Committee delegate authority to the Committee Chair and Deputy Chair to present the Council's submission on the Aquaculture Legislation Amendment Bill (No. 3) to the Primary Production Select Committee at the select committee hearing.

Background

Importance of Lodging an Auckland Council Submission

As explained further in the following report, aquaculture can benefit the region but also exposes other important coastal uses and values to potential risks. The existing legislation makes regional councils or unitary authorities, such as the Auckland Council, responsible for planning and consenting aquaculture activities within their region's coastal marine area. The Council is therefore responsible for ensuring that the social, cultural and economic benefits of aquaculture activities are provided for in a way that is balanced and sustainable and does not undermine other important competing environmental, social, cultural and economic uses and values.

The proposed changes to the current legislation governing aquaculture have the potential to affect how the Council goes about achieving this objective. Auckland, like other interested parties nationally, has a general interest in ensuring its voice is heard. However, conditions in Auckland are often different from those experienced elsewhere in the country and the Council's perspective on resource management matters may be doubly important because of this uniqueness. Auckland experiences a distinctive combination of coastal issues. These include the major influence it's many estuaries, beaches, harbours, bays and the Hauraki Gulf have had, and

continue to have, upon the region's growth and development, because of how important the use and enjoyment of these coastal resources is to the wellbeing of the regional community, and because of the pressures upon these resources from the nationally disproportionate size and rate of growth of Auckland's population. It is therefore important that Auckland Council's perspectives on the Bill be provided to the Primary Production Select Committee in a submission so they can be considered when they report back to Government.

Aquaculture Definition and Aquaculture in Auckland

The Resource Management Act 1991 (RMA) definition of 'aquaculture activities' is limited to marine farming. That is, operations that involve the cultivation of aquatic life (e.g. fish, shellfish and seaweed) which require occupation of space within the coastal marine area (CMA). The RMA definition excludes land-based farming of aquatic organisms, such as paua reared in seawater tanks or fresh water species such as eels and koura raised in ponds or tanks.

Existing aquaculture (marine farming) activities in Auckland are limited to 19 mussel farms at Great Barrier and Waiheke Islands and in the Firth of Thames, and 51 oyster farms in the Kaipara and Mahurangi harbours, at Waheke Island and Wairoa Bay. These farms occupy a total of ~350ha of the region's CMA.

Aquaculture Industry National and Regional.

New Zealand's current aquaculture industry is dominated by Greenshell mussel, Pacific oyster and King salmon farming activities. Small amounts of other species, such as blue mussels and pāua, are also farmed. Farms for these species are generally located in near-shore environments such as harbours, bays and sounds. However, consent has recently been approved for several large offshore areas, and investigations continue into the economic viability of marine farming in these more exposed locations. Experimental (pre-commercial) research also continues into aquaculture of eels, European perch, sea cucumbers, kina, rock lobsters, hāpuka and king fish.

The aquaculture industry currently contributes around \$360 million¹ to the national economy. Much of this income comes from exports with 77% generated from mussel products, 17% from salmon and 6% from oyster products. Marine farms in the Auckland region contribute 3% of the total national mussel production and 29% of the total national oyster production. Recent economic analysis² estimated that aquaculture contributed ~\$28 million to Auckland's gross regional product (GRP), which equates to ~0.06 percent of the total regional GRP. 20% of this aquaculture contribution comes from marine farming activities while the remaining 80% is from aquaculture processing activities since Auckland facilities also handle the harvest from adjoining regions.

New Zealand's aquaculture industry has set itself a development target³ to achieve earnings of around \$1 billion by 2025. Both the current National and the previous Labour Governments have actively supported achieving this aspiration. Auckland's large areas of clean and comparatively sheltered waters, coupled with high phytoplankton productivity and proximity to major servicing, processing and export centers and local markets makes north-east North Island generally, and Auckland specifically, an area of interest to the industry where some of this national expansion might be accommodated.

Issues with Aquaculture

Increasing aquaculture activities within the region's CMA has the potential to make significant contributions to the regional economy. This includes increased employment opportunities within marine farming operations themselves as well as within the service industries directly supporting

¹ New Zealand Aquaculture Farm Facts. 2nd edition March 2010. Aquaculture New Zealand Publication

² Murray, C.; and McDonald, G.; (2010). Aquaculture: Economic impact in the Auckland region. Auckland Regional Council Technical Report No. 009/2010.

³ New Zealand Aquaculture Strategy 2006

farming activities, and in the associated processing, packaging, advertising and exporting operations. The various immediate social benefits from increased employment opportunities could also be paralleled by other associated benefits such as training and education opportunities, and tourism ventures featuring the aquaculture experience including sampling the final product. Such aquaculture development, and its economic and social benefits, is also of special interest to the mana whenua of Tamaki Makaurau, particularly where their area of traditional association provides for limited alternative economic opportunities. Marine farming can also help reduce fishing pressure on wild fish stocks by providing an alternative source of seafood.

However, these potential benefits of aquaculture can also come at a cost to the environment and to other uses and values of the CMA. For example, marine farms occupy space within the public area of the CMA and can affect recreational boating, public open space and public access. Marine farming involves structures that generally include visible elements and also the periodic presence of vessels to service the farms. These can affect visual amenity values and natural character value. Marine farming activities can also be associated with a range of environmental risks including modification of local habitat, plankton depletion, discharge of food, faeces, pharmaceuticals and other farming product wastes, seabed accumulation of debris and sediment, seabed nutrient enrichment and deoxygenation, entanglement of marine mammals, biosecurity issues, and wild gene pool impacts. Such effects can be direct and indirect, individual and cumulative in nature and adversely affect other important social, cultural, economic and environmental uses and values of the coastal environment.

Achieving regionally sustainable aquaculture development requires that these potential benefits and costs be balanced in a way that does not unreasonably compromise, now and into the future, the numerous and often competing uses and values of Auckland's highly valued CMA.

Aquaculture Legislative History

Following the 1991 enactment of the RMA and prior to the 2004 aquaculture law reforms, aquaculture management required a dual permitting and assessment process carried out by regional councils and by the Ministry of Fisheries. Rules regulating aquaculture activities under the RMA were set out in each region's coastal plan. Auckland's coastal plan was developed in the early 1990's at which time there was little interest in increased marine farming activities. Consequently the proposed coastal plan provided a simple framework where marine farming activities required a discretionary activity resource consent in most parts of the CMA.

Around the turn of the millennium New Zealand, and the Auckland region, experienced a significant upsurge in interest in marine farming. For example resource consent applications for large areas (around 6000ha) of overlapping farming space in the western Firth of Thames area were lodged with the Auckland Regional Council (ARC) between 1999 and 2001. The Government recognized that the legislative framework was not structured to manage such a 'gold rush' for marine space and established a moratorium on applications while it reviewed aquaculture laws. This review was completed in December 2004 by the creation or amendment of seven Acts.

The reformed aquaculture laws came into force in January 2005. The stated purpose was to enable the sustainable growth of aquaculture and to ensure that cumulative environmental effects are properly managed while not undermining the fisheries regime or Treaty of Waitangi settlements.

Key outcomes of the 2004 aquaculture law reform included:

- a) That aquaculture be solely managed by regional councils under the RMA.
- b) That aquaculture required a coastal permit that could only be applied for after an 'Aquaculture Management Area (AMA) was first established within a regional coastal plan by a plan change process.
- c) Two new RMA planning tools exclusive to AMA development; an Invited Private Plan Change (IPPC) process and definition of associated Excluded Areas where IPPC could not apply.

- d) Requirement for AMAs to pass an 'undue adverse effects' test on fisheries from the Ministry of Fisheries.
- e) Establishment of a process for the equivalent of 20% of all new (post September 1992) to be passed to Maori as part of Treaty of Waitangi fisheries grievance resolution.

Aquaculture Variations 2-6 to the Auckland Coastal Plan.

While the Government was considering how it should revise aquaculture legislation the ARC also sought to revise the provisions in its Auckland Regional Plan: Coastal (coastal plan) in response to the large number applications received and to develop a more strategic approach to aquaculture management. In October 2002, following a 'constraint mapping' exercise, the ARC publicly notified proposed Variations 2 – 6 to the coastal plan. These proposed a revised regional aquaculture management framework and identified proposed AMAs over existing marine farms as well as some new AMA space. Detailed investigations were also carried out into a possible AMA in the western Firth of Thames for an additional Variation but, as explained below, this did not proceed.

Public submissions on the Variations were received but a hearing of these was placed on hold while the legislation reform was completed and the ARC reconsidered its approach in light of the 2004 law reforms. In early 2006, Variation 3 (southern Kaipara Harbour) was formally withdrawn and in late 2006 the ARC resolved to take no further action on the Variations while an alternative regional aquaculture policy framework to implement the 2004 reformed aquaculture legislation was developed. The Variations were expected to be formally withdrawn once a replacement policy framework was ready to be publicly notified.

ARC's 2008 Proposed Aquaculture Policy Direction and Consultation Feedback.

To help develop a revised regional aquaculture policy framework, in early 2008 the ARC released for consultation a set of aquaculture policy directions that applied provisions of the 2004 aquaculture law reform. Indicative excluded areas identified all near-shore areas as inappropriate for large scale aquaculture development but greater potential for these in off-shore waters. The policy position used the new Invited Private Plan Change provisions. It adopted a precautionary approach towards establishing new AMA space in recognition of uncertainties and gaps in our knowledge about aquaculture and its potential adverse environmental effects, and aimed to protect various unique cultural, conservation, and recreational values particularly given the increasing demands for use of the CMA. It also supported smaller and potentially advantageous aquaculture developments within this broadly restrictive framework. In addition it recognised the special relationship of tangata whenua to the CMA and their particular interests in aquaculture.

Preliminary targeted consultation on this policy position generally revealed strong support from communities and community groups who were opposed to large inshore aquaculture, but opposition from industry, some iwi and some government departments who were concerned that the approach was overly restrictive and could stifle aquaculture development in the region. Iwi were concerned that the costs of an AMA plan change and subsequent consent applications would rule out their participation in aquaculture development, and some were concerned about possible restrictions on their exercise of mana moana (authority and right over traditional areas of the coastal marine area). The idea of flexibility for various small advantageous aquaculture outcomes within excluded areas was generally supported.

Work on producing a more detailed regional aquaculture policy framework that responded to the preliminary feedback, and preparation for consultation on this, continued while the 2008 central government election took place. Subsequently the new National Government announced its intention to review the 2004 aquaculture legislation as part of a Phase Two review of the RMA and in early 2009 the ARC put further work on revision of the regional aquaculture policy framework on hold until the outcome of the legislative reforms were known.

Status of Aquaculture Provisions in the Auckland's Coastal Plan

The aquaculture chapter of the coastal plan remained 'proposed' when the majority of the plan was made operative in 2004 because it was still subject to the previously described Variation process. A revised regional aquaculture policy framework to replace the out of date Variations has yet to be publicly notified and the original proposed provisions from the 1999 decisions also remain in place. The coastal plan provisions for aquaculture are therefore currently not fit for purpose.

Existing Fisheries Moratorium

A moratorium on applications for new marine farming imposed by Gazette notice in the mid-1980's by the Ministry of Fisheries remains in place as a transitional requirement until it is replaced by an operative aquaculture chapter in the coastal plan. The moratorium only applies across the old Auckland Regional Authority planning area of the Hauraki Gulf so areas such as the Manukau and southern Kaipara harbours, and Great Barrier Island are excluded.

In the 1990's an Environment Court decision exempted 'spat catching' from the definition of marine farming. This opened the way for the numerous spat catching applications that were lodged within areas of the Hauraki Gulf at the turn of the millennium and prompted the previously discussed revision of the coastal plan provisions.

Government's Aquaculture Technical Advisory Group

The Government had become increasingly concerned that the 2004 law reforms, which came into effect five years ago, had not worked well in practice. Incentives for councils and industry to plan and invest are poor, administrative processes are unnecessarily complex and inefficient, and some regional coastal plans are overly restrictive⁴. There was concern that the significant opportunities for the sustainable development of New Zealand's aquaculture industry were not being realised and that no new aquaculture space had been established under the 2004 reformed legislation. In mid 2009 the Government sought advice on possible aquaculture legislative changes and appointed a Technical Advisory Group (TAG) to provide recommendations on how to "kick start" the sustainable development of aquaculture.

In late 2009 the TAG reported back with recommendations including that aquaculture remain within the RMA but that AMA requirements (along with IPPC and excluded areas) be removed and replaced with optional zoning for aquaculture. The TAG proposed that central government play a greater role by establishing an aquaculture unit assigned to a Minister that developed various national guidance documents for aquaculture and administered a contestable fund to promote aquaculture planning funded through a levy on existing farms. The TAG also proposed Ministerial power to insert provisions directly into regional coastal plans, and changes to aquaculture resource consenting to increase security of tenure and to promote investment.

The Government sought submissions on the TAG report and considered the matters raised, including those raised by predecessor local authorities in Auckland, during the subsequent process of drafting the Aquaculture Bill. A notable proportion of the TAG's recommendations have been carried through into the Bill or into non-legislative action by the Government.

The Aquaculture Legislation Amendment Bill (No 3)

The Aquaculture Legislation Amendment Bill (No. 3) was considered by the House of Representatives on 16 November. A press release at the time from Fisheries and Aquaculture Minister Phil Heatley indicated the Government's commitment, as part of its Economic Growth Agenda, to enabling the aquaculture industry to grow. This was expected to involve both development of new marine farms and improved efficiencies within existing space. The Bill's intention was to enable aquaculture to fulfill its economic potential while ensuring its environmental sustainability and balance with other coastal uses. It aimed to streamline planning and consenting

⁴ www.fish.govt.nz (aquaculture reform)

processes, reduce costs and provide stronger incentives for industry development. The Bill was also designed to help regional councils manage high or competing demand for space within the coastal marine area and enable central government to take a more active role in aquaculture planning.

The Bill was referred to the Primary Production Select Committee who in late November called for public submissions by 11th February 2011. The Government anticipates the Bill will be enacted by mid 2011 and its final provisions will come into effect very quickly.

The Bill is part of a Government package aimed at promoting aquaculture including non-legislative actions. For example a Minister with overall responsibility for aquaculture (the Minister of Fisheries and Aquaculture) has been appointed, an Aquaculture Unit has been established within the Ministry of Fisheries and work is underway on the development of a national aquaculture strategy and action plan.

Summary of the Major Proposed Amendments in the Bill

The Government's overall intention is that the Bill reduces costs, delays and uncertainty, promotes investment in aquaculture development, and enables integrated decision making, while maintaining existing environmental sustainability processes.

Provisions within the Bill would amend the Maori Commercial Aquaculture Claims Settlement Act 2004 to continue to honour the Crown's settlement obligations to Maori involving iwi rights to 20% of new aquaculture space.

The Bill would amend the RMA to reduce regulatory costs, delays and uncertainty, and encourage investment by:

- Normalising aquaculture within the RMA framework (remove requirement to first establish an AMA within a coastal plan before able to apply for resource consents for aquaculture within it).
- Upon enactment allowing for consent applications within the current coastal plan framework.
- Upon enactment enabling processing of previously frozen applications (e.g. Firth spat catching).
- Extending the minimum term for aquaculture consents to 20 years (unless significant uncertainty about effects that can't otherwise be managed) and reducing the default for lapsing (unused space) to 3 years.
- Limiting information requirements for applications to continue existing aquaculture (only consider effects different in character, intensity or scale from original consent).
- Requiring all hearing committee members be accredited (applies within 2 years of commencement and to all RMA hearings not just those related to aquaculture).
- Providing additional tools and mechanisms to manage high or competing demand (can request Minister of Conservation allow use of alternative allocations tools to replace default 'first in first served').
- Providing a mechanism to help councils address plan inadequacies (can request Minister of Fisheries & Aquaculture impose 1 year moratorium on new applications).
- Enabling the Minister of Fisheries & Aquaculture to directly amend aquaculture provisions of coastal plans when considered nationally or regionally significant.

The Bill would also better align Fisheries and RMA process by amending the Fisheries Act 1996 to streamline the Undue Adverse Effects assessment on fishing process (UAE test), and by running the Ministry of Fisheries UAE test in parallel with Council's RMA process.

Draft Auckland Council Submission

A draft Auckland Council submission on the Bill is provided in Attachment 1 to this report for the Committee's consideration. The draft submission received preliminary acceptance from Councillors Penny Hulse, Ann Hartley and Wayne Walker as suitable for internal consultation purposes.

The draft submission suggests the Council support the Government's initiatives that sit outside the Bill since these should generally improve national coordination of aquaculture matters and provide support for implementation of amended aquaculture legislation requirements by councils. It is also suggested that the submission support provisions that allow the Crown to continue to honour its settlement obligations to iwi, even though in this instance the most relevant relationship is between iwi and central, rather than regional, government.

It is suggested that the submission be generally supportive of the proposed amendments to the RMA in the Bill because the majority of the proposed amendments do not seek to unravel existing resource management processes aimed at ensuring broad environmental sustainability of Council's aquaculture decisions. The Bill also proposes new tools to help manage potential high or competing demand for new aquaculture space, and while some of the Bill's proposed amendments would expose the Council's regional roles and responsibilities to some risks, these should be manageable as long as realistic time frames for due process are allowed for. Accordingly, the draft submission suggests Council express support for the following:

- a) Normalising aquaculture activities within the RMA framework.
- b) Mandatory accreditation of all hearing commissioners.
- c) Access to additional tools to manage high or competing demand.
- d) Access to a moratorium on new aquaculture applications, but that the maximum term be increased to at least 2 years to allow time for required Spatial Plan and coastal plan processes.

However, the Bill also proposes a process where central government has the potential to override the autonomy of the Council's RMA decision making on aquaculture so the coastal plan may no longer reflect the regional community's vision and preference for the future use and development of its coastal marine area. It is suggested that the submission to the select committee oppose the changes that would enable the Minister responsible for aquaculture to directly amend aquaculture provisions of the regional coastal plan.

Some further explanation for the suggested Council responses to the Bill is provided in the attached draft submission and further assessment of some matters is also given below.

Some Positive Implications of the Bill's Proposals

Normalising aquaculture within the RMA reverses the effect of the 2004 law reforms and brings aquaculture back into alignment with all other activities under the RMA. Normal RMA planning, consenting, and compliance regime would apply. As explained further in the draft submission, the current legislative requirements explicitly provide the opportunity to ensure that Auckland's regional coastal plan is updated so it is ready to respond to industry interest for new aquaculture space. However, it also established what is arguably an unnecessarily complex, costly and cumbersome regulatory regime that would likely have taken in excess of a decade to complete. Consequently it is recommended that the Bill's 'RMA normalising' provisions generally be supported.

As part of the 'RMA normalising' process the Bill proposes removal of the requirement for establishment of AMA's in the coastal plan before resource consents for marine farming can be sought. Theoretically, interested parties would be able to apply for aquaculture resource consents under the existing coastal plan provisions on the day the Bill's proposed amendments were enacted. The greatest potential risk this might expose Auckland's resource management framework to would be the lodging of numerous and/or very large applications for new aquaculture

space before the coastal plan could be updated. However, except as discussed further below under 'negative matters', the risk to the Council's strategic planning and consenting processes for aquaculture (and other uses and values of the coastal marine area) risk is limited by a number of factors. These include the existing moratorium on marine farming applications that remains in place over much of the Hauraki Gulf until the coastal plan's aquaculture becomes operative. While in place this limits applications in this area to only spat-catching operations which is less attractive than full marine farming. The moratorium therefore provides opportunity to revise coastal plan provisions for this area before marine farming applications are received.

The Bill also contains mechanisms that could provide some 'breathing space' while necessary coastal plan amendments are made to address actual or anticipated high or competing demand for new aquaculture space. This includes provision to seek a one year moratorium on aquaculture applications during which progress could be made on strengthening the entire regional aquaculture policy framework. However, as discussed further below and in the draft submission, one year is unlikely to be adequate time to complete an RMA plan variation or change.

Another potential mechanism, introduced by the 2004 law reform and largely unchanged by the Bill provides for management of competition for occupation of space within the CMA for aquaculture through an allocation process involving tendering and authorisations. As mentioned, these and other 'new' RMA management tools provided by the 2004 aquaculture law reform have yet to be implemented within the coastal plan and so are not currently available for application within the region. However, the Bill proposes an additional element where the Council may directly seek authority from the Minister of Conservation for use of an allocation process for resource consent applications, and an associated stay on applications while this mechanism is approved and applied.

It is also important to note that considerable work has been directed towards a possible regional aquaculture policy framework during the various initiatives discussed above, even though none of these has yet resulted in an operative change to the coastal plan. The existing information base will help provide a good starting platform that can be built upon fairly rapidly from which a revised aquaculture policy framework can be developed.

Also noteworthy is that one consequence of the complexity and expense of the 2004 aquaculture law reform requirements was that these effectively ruled out consideration of small new marine farming areas and promoted development of large areas (where the high costs could be recouped). However, in Auckland where competition amongst different uses for coastal space is often intense, smaller farms may hold the greater promise for achieving sustainable development. Such smaller farms also had potential for addressing the local aquaculture development aspirations of some iwi. The Bill's proposed removal of the requirement to establish AMAs in a coastal plan before having the right to apply for marine farming consents should increase the potential for consideration of smaller farms that might better fit around other competing uses and values.

Some Negative Implications of the Bill's Proposals

As mentioned above, the Bill's proposed amendments carry the risk of new aquaculture consent applications being lodged before the current inadequate coastal plan provisions could be revised. The southern Kaipara Harbour, the Manukau Harbour and areas around Great Barrier Island are not covered by the existing moratorium on marine farming applications. In the event that high or competing demand is experienced through a surge of applications in any of these areas, the Bill proposes that a moratorium of up to one year could be requested from the Minister responsible for aquaculture. However, experience shows that one year is not long enough to take a regional plan change of significant interest to the community through the complete RMA 1st Schedule process (consultation, notification, submissions, hearing, appeals, appeal resolution or Environment Court Hearing). Realistically this takes at least 2 to 3 years. It is therefore suggested that the Bill's proposed moratorium tool be supported but that the submission request the extension of the moratorium period to allow it to realistically cover a plan change process.

The Bill proposes that the Minister responsible for aquaculture have the ability to recommend regulations that would directly amend the aquaculture provisions of a region's coastal plan. As indicated above and expanded upon in the attached draft submission, it is suggested that this signals a significant shift in the relationship between central and local government with the potential to undermine the regional autonomy established by the RMA and erode the right of regional communities to make decisions on how the natural and physical resources of their region should best be managed. Time and cost to amend coastal plan provisions would be reduced when complex 1st Schedule RMA processes are not required. However, decision making discretion would shift from regional to central government and it is suggested that any potential benefits are outweighed by the associated risks to regional autonomy and to the regional community's ability to materially influence the direction of resource management within their region.

It should also be noted that upon enactment the Bill's proposed provisions would enable processing of applications lodged at the turn of the millennium that currently remain frozen by the 2004 law reform. These include overlapping mussel farming applications in the southern Kaipara Harbour, numerous overlapping spat catching applications in the western Firth of Thames, as well as several smaller oyster spat catching applications off the Tamaki Strait. Processing of these applications has work load and resourcing implications. In addition, the region's southern boundary in the western Firth of Thames was shifted north when the new Auckland Council was formed. Consequently, many of the applications lodged with the ARC lie within the Waikato region and will be processed under Auckland's coastal plan provisions but by Environment Waikato. Once unfrozen, processing these applications will require adequate resourcing and close coordination between the two councils.

Spatial Planning and some Opportunities and Threats Associated with Aquaculture

Development

Regionally important economic, cultural, and social benefits from aquaculture could be realised if a balanced approach to identification and allocation of sustainable aquaculture space was able to be developed and implemented. Sustainable aquaculture development is of particular interest to iwi and provides real economic opportunity for some with few other options. Also, synergies between aquaculture and other activities have the potential to provide 'business cluster' opportunities greater than from aquaculture alone (e.g. tourism restaurant experiences of local aquaculture and wineries, aquaculture marketing, research, and education opportunities).

Farming of new species (e.g. fish) can produce higher economic returns from smaller areas, reducing some potential environmental impacts associated with farm size. However, this may be balanced by increasing risks of other effects since new species and technologies and their impacts are less well understood. In the case of aquaculture that involves actively feeding the caged species, assessment environmental effects and sustainability should arguably encompass impacts from accessing potentially remote feed sources in addition to assessment of local sustainability issues. The emerging development of polyculture (e.g. farming fish along with seaweed, shellfish and sea cucumbers) has potential to help improve productivity while reducing some local environmental effects.

It is reasonable to anticipate a high level of interest from the industry and iwi in obtaining some new aquaculture space as soon as practicable in order to realize some of these benefits of aquaculture. Such developments would also carry risks to other coastal uses and values and proposals are likely to be contentious.

Weaknesses in the coastal plan have already been touched upon. One important factor is that the coastal plan is not currently as explicitly protective of areas of highest importance for the full range of uses and values of the CMA as might be required, for example, to help provide strategic direction to aquaculture planning and avoid adverse effects on sensitive and valuable areas. The coastal plan identifies areas with some significant values (e.g. coastal protection areas) and provides a suitably protective policy framework for these. However, these areas are mostly very close to the shore and ecologically important areas within large parts of the CMA have yet to be

identified. Existing coastal protection areas were principally based on vegetation, avian and geological values and identification of areas of particular significance for numerous other environmental values has yet to be carried out. Similarly, the coastal plan identifies very few equivalent areas of particular importance for social, cultural and economic use and values. Resources and time will be required to fill these information gaps.

Careful balancing of competing interests will still be required even when a more comprehensive understanding their geospatial distribution is available since some elements contain inherent tensions. For example, most aquaculture demands high water quality which is most often found in areas with lower levels of catchment development, but these are often also areas of high natural character which would be degraded by the introduction of marine farming structures. In addition, identifying areas of coast where the primary management objective is for aquaculture (e.g. an 'aquaculture park') could have significant 'reverse sensitivity' implications for the contributing catchment.

Informed planning for aquaculture therefore best takes place within a broader integrated process where its various requirements, implications and opportunities are able to be considered along with the implications, opportunities and aspirations of other uses and values within the catchments and coastal marine environments of the whole region. Auckland Council's current development of the Auckland (spatial) Plan provides a particularly important opportunity to consider and address some of these complex matters. The Auckland Plan will assess the broad, overlapping and often competing interests and values of the entire region, including aquaculture, and establish preferred trajectories and directions for major future social, cultural, economic and environmental initiatives to deliver the Mayor's vision and to provide for the future wellbeing of the region. An element of this process could involve high-level consideration of how and where the potential benefits of increased aquaculture activity might best be maximised and potential costs minimised.

The draft Auckland Plan is to be released for consultation in June 2011 for review then adoption by December 2011. The Auckland Plan is a non-statutory document but the directions it establishes could be provided with RMA statutory strength if they were incorporated into (or replace) the Auckland Regional Policy Statement during completion of its review. This would require a RMA 1st Schedule process. Policies and broad spatial direction established by the Auckland Plan could be fleshed out and more specific areas mapped and relevant policy and rule frameworks established within the Unitary Plan, which also requires an RMA 1st Schedule process. This provides a unique opportunity for the region to create an RMA policy and rule framework that integrates across both land and sea.

Decision Making

The Council's submission on the Bill is being reported to the Auckland Future Vision Committee to allow the submission to be considered by a Council Committee and approved in time to be lodged with the Government's Primary Production select committee by the deadline of February 11th 2011.

Comment on the importance of the Council lodging a submission, analysis of some of the major implications of the Bill, and suggestions for inclusion in the Council's submission are provided in the 'background' section above.

Significance of Decision

The final approved submission will reflect the Council's views and concerns over the amendments to aquaculture legislation proposed by the Bill. The submission provides the opportunity to identify matters of particular concern or interest to Auckland and to bring these to the attention of the Government's Primary Production select committee. The content of the submission, and any subsequent verbal presentation on them to the select committee, has the opportunity to influence select committee and Government thinking as the Bill progresses towards final enactment.

Consultation

The timing set by the Government for the submission process has significantly limited opportunities for consultation since it coincided with the Auckland Council's early stages of operation and with the Christmas and New Year holiday period. The Maori Statutory Board has advised the Council that this submission is a matter where there should be direct consultation with iwi. Officer advice is that the Council concur with this view but there has not been time within our deadlines for the submission to consult with iwi. This has also meant that consultation within the Council has not been able to include input from Local Boards, iwi or Council Controlled Organisations, and has permitted only high level input from some specialist staff in particularly relevant areas and consultation with relevant Council committee chairs.

Financial and Resourcing Implications

This report does not contain any immediate financial and resourcing implications since it simply seeks approval of a Council submission to a central government process. However, the outcome of the revised aquaculture legislation itself has a range of financial and resourcing implications that have been mentioned in the main body of this report and some of which are also covered below.

Legal and Legislative Implications

This report and the proposed submission does not contain any immediate legal and legislative implications. However, the outcome of the revised aquaculture legislation itself has a range of legal and legislative implications that have been mentioned in the main body of this report.

The chief legislative implication is that the current aquaculture laws are expected to be substantially revised and that the Council will need to develop a revised aquaculture policy framework in response to these changes. This process is expected to include identification of broad directions for future aquaculture development within the Auckland Plan that would be further fleshed out within the statutory frameworks of the Unitary Plan or Coastal Plan. These processes include high level and potentially more spatially defined allocation of coastal space amongst competing uses and interests, including aquaculture, and can be expected to be of great interest to the regional community. It is likely that they will attract legal challenge at various points in the process.

Implementation Issues

This report does not contain any immediate implementation issues, apart from the expectation that the Council will wish to make a presentation to the select committee in support of the matters raised in its submission on the Bill. However, the outcome of the revised aquaculture legislation itself has a range of implementation issues that have been mentioned in the main body of this report. The chief implementation issue is ensuring that opportunities to address aquaculture planning within the Auckland (spatial) Plan process are realized and subsequently followed up with more detailed development of a revised regional aquaculture policy framework in during Unitary Plan production and/or revision of the coastal plan and its accompanying maps.

Resources will also be required to address the processing of currently 'frozen' aquaculture consent applications lodged with the ARC around the turn of the millennium. Northward shift of the seaward regional boundary in the Firth of Thames means this work will need to be coordinated with Environment Waikato.

Attachments

No.	Title	Page
A	Draft Auckland Council Submission on the Aquaculture Legislation Amendment Bill (No.3)	42

Signatories

Authors	Dominic McCarthy, Team Leader Coastal
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ATTACHMENT 1

DRAFT AUCKLAND COUNCIL SUBMISSION

XX February 2011

Primary Production Select Committee
Parliament Buildings
Wellington

SUBMISSION ON: Aquaculture Legislation Amendment Bill (No 3)

SUBMITTER: Auckland Council

ADDRESS FOR SERVICE: as at end of submission

1. EXECUTIVE SUMMARY

- 1.1 The Auckland Council makes the following submission on the Aquaculture Legislation Amendment Bill (No 3);
- a) The Council recognises both the benefits and costs that aquaculture activities could bring to the region and acknowledges the intent of the Bill to overcome the unanticipated consequences of the 2004 aquaculture law reforms on planning for, and development of, future sustainable aquaculture activities.
 - b) The Council is generally supportive of the Bill; because it does not seek to unravel existing resource management processes aimed at ensuring broad environmental sustainability of Council's aquaculture decisions, because it provides additional tools to help manage potential high or competing demand, and because risks the legislation change would expose the Council's regional roles and responsibilities to should be manageable as long as realistic time frames for due process are allowed for.
 - c) However, the Council is particularly concerned that the Bill also establishes a process where central government can override the autonomy of the Council's regional decisions on aquaculture, and requests that in its recommendations to the House the select committee carefully consider the implications of this for the future relationship between central and regional government.

2. CONSULTATION

- 2.1 Overlap of the submission period with the early stages of operation of the new the Auckland Council, and with the Christmas holiday period, has significantly limited the chance for consultation across the whole of the new organisation. For example, our 21 Local Boards have had no opportunity to contribute to the submission.
- 2.2 The Maori Statutory Board of Auckland Council has advised the Council that this is a matter where there should be direct consultation with iwi. The Council concur with this view but there has not been time within the deadlines for the submission to consult with iwi.

3. INTRODUCTION

3.1 The Auckland Council;

- a) Recognises the wide range of benefits that increased aquaculture activities could bring to the region's community, but also that expansion of this industry would require careful management of the potential costs to the many other important uses and values within the coastal marine area.
- b) Acknowledges that this issue affects matters of great importance to the regional community as a whole, and is of particular interest to the Mana Whenua of Tamaki Makaurau.
- c) Therefore aims to provide for the balanced and sustainable social, cultural and economic benefits of increased aquaculture without undermining other important competing environmental, social, cultural and economic uses and values.
- d) Considers that this would be best achieved through a marine spatial planning component of the Spatial Plan.

4. GENERAL SUBMISSION

4.1 Matters Outside the Bill

- a) The Auckland Council supports improved Government coordination, and support of implementation of the Bill's requirements.
- b) Relevant factors include establishment of a Minister responsible for aquaculture, creation of the Aquaculture Unit within the Ministry of Fisheries, and development of a national aquaculture strategy and action plan including guidance and support for local government implementation.

4.2 Specific Issues in the Bill

4.2.1 The Auckland Council notes the following significant issues in the Bill:

4.2.2 The Auckland Council Supports:

- a) Provisions that honour the Crown's settlement obligations to iwi.
- b) Normalising aquaculture activities within the RMA framework.
- c) Mandatory accreditation of all hearing commissioners.
- d) Access to additional tools to manage high or competing demand.
- e) Access to a moratorium on new aquaculture applications, but seeks that the maximum term be increased to at least 2 years to allow time for required Spatial Plan and coastal plan processes.

4.2.2 The Auckland Council Opposes:

- f) Minister's ability to directly amend aquaculture provision of coastal plans (retain Council's autonomy so regional governance decisions reflect regional community views)

4.3 Specific Concerns

4.3.1 The Auckland Council has the following specific concerns, and recommendations for amendments to the Bill:

4.3.2 Honouring the Crown's obligations to Iwi

The Council acknowledges the interest that Mana Whenua of Tamaki Makaurau have in aquaculture and the importance of the Crown continuing to honour its treaty settlement obligations to Maori.

Consequently it supports the amendments to Maori Commercial Aquaculture Claims Settlement Act 2004 necessary to retain the previously established commitment within a changing legislative framework (including removal of the requirement for aquaculture management areas and the required 20% allocation of space to iwi currently associated with this).

Recommendation 1

Retain the proposed Maori Commercial Aquaculture Claims Settlement Act 2004 provisions.

4.3.3 Normalising aquaculture within the RMA framework.

The Bill seeks to remove the requirements, unique under the Resource Management Act (RMA), applied to aquaculture by the 2004 aquaculture law reforms. These included the requirement to establish aquaculture management areas (AMAs) within a coastal plan through the RMA 1st Schedule process before applications for resource consent to carry out aquaculture activities could be made. Council's nationally had concerns over the cost to rate paying communities of establishing AMA's through this RMA process when the primary beneficiary of AMA establishment was likely to be the aquaculture industry. In addition the 2004 legislation provided new aquaculture planning tools (excluded areas and the invited private plan process). So instead of seeking to establish AMAs themselves, Council's nationally preferred to revise their coastal plans to create a robust framework within which interested parties could themselves seek plan changes to establish AMAs. In effect this required completion of three significant RMA processes (two coastal plan changes and a subsequent resource consent process) before any new space could be determined as sustainable and aquaculture activities could actually begin to take place.

Following this process would have explicitly afforded opportunity to ensure that Auckland's regional coastal plan received necessary updates so as to be ready to respond to industry interest for new aquaculture space. However, overall it also established a complex, costly and cumbersome requirement that would likely have taken well in excess of a decade to complete.

Making aquaculture subject to the same RMA process as any other activity within the coastal marine area does not undermine the fundamental purpose of the RMA of promoting the sustainable management of natural and physical resources. The Council also recognises the opportunities provided by the development of an Auckland Plan (spatial plan) that can assist with integrated planning for future aquaculture within the region.

The Council does have some concerns, covered further in other points below, that the Bill may not provide sufficient time for Auckland's current coastal plan provisions relating to aquaculture to be adequately updated so they can provide a suitably robust regional aquaculture policy framework before applications for new space are able to be lodged.

Recommendation 2

Retain the provisions relating to normalizing aquaculture activities within the RMA

4.3.4 Mandatory accreditation.

The Council is very supportive of the principle that RMA hearing decisions should be robust and agrees that accreditation of hearings commissioners is generally desirable. It also acknowledges the flexibility (exceptional circumstances) built into the requirement and that it would not come into force until two years after commencement of the revised Act (allowing time for accreditation to be obtained).

Recommendation 3

Retain the provisions relating to mandatory accreditation of hearing commissioners.

4.3.5 Tools to manage high or competing demand.

The Auckland region experienced high and competing demand for aquaculture space at the turn of the millennium. For example, in the order of 6000ha of overlapping mussel spat-catching

applications were lodged in the Firth of Thames area. The ‘first in first served’ requirement of the RMA for processing resource consent applications did not allow for effective management of these applications (similar circumstances nationally triggered the Government’s moratorium and subsequent aquaculture 2004 law reform). Consequently, the Council is supportive of provisions that allow for the use of alternative mechanisms to manage high and competing demand for coastal space.

The Bill proposes to retain various provisions related to managing occupation in the coastal marine area that were introduced to the RMA Part 7A, subpart 1, by the 2004 aquaculture law reform. The Bill also seeks to update these existing provisions with the technical amendments previously included in the Aquaculture Legislation Amendment Bill (No 2) which has been superseded by the new Bill. In addition the Bill also introduces new opportunities to obtain approval for the use of tools to manage high or competing demand when regional coastal plan provisions are inadequate.

In combination these provisions allow for the Council to establish rules within the coastal plan on when applications may be lodged within a defined area, for applications to be heard together, and to set limits of the nature of the applications that can be lodged. They also allow for a coastal plan to include rules covering the use of allocation mechanisms (such as tendering) for authorisations to apply for occupation of the coastal marine area. Where the Council experiences or anticipates high or competing demand and such allocation rules are either not included in the coastal plan or are inadequate, the Council may request approval from the Minister of Conservation for approval to use the allocation tools.

The Council anticipates that there could be considerable interest in aquaculture development within the region, and that there is potential for these to lead to high and competing demand. The Auckland Regional Plan: Coastal currently does not have an operative aquaculture chapter and contains no rules relevant to methods for allocation of authorisation for occupation of coastal space. Consequently, the Council welcomes the additional opportunities provided by the Bill to obtain Minister approval for the use of such allocation tools.

Recommendation 4

Retain the provisions related to allocation methods and authorisations for consent to occupy the coastal marine area, including the new provisions that would allow Council to obtain Minister approval to use these to address high and competing demand when the coastal plan provisions prove inadequate.

4.3.6 Moratorium on new aquaculture applications

The Bill includes new RMA provisions that allow Council to request the Minister of Aquaculture suspend the receipt of applications for aquaculture activities in the coastal marine area. This is to address actual or anticipated high or competing demand that the existing methods (e.g. coastal plan provisions) are unable to deal with. The Bill establishes a maximum ‘moratorium’ duration of 12 months. The Minister may also direct that all applications be processed and heard together.

As for other existing and proposed tools to manage high or competing demand (see 4.3.5) the Council supports these new provisions that would allow the Minister to impose a moratorium on aquaculture applications when required to address deficiencies in the current regional regulatory framework. The aquaculture chapter of the Auckland Regional Plan: Coastal (coastal plan) is not yet operative and does not provide a robust framework for managing high or competing demand for new aquaculture space. In addition, various operative elements of the coastal plan, such as ‘Coastal Protection Areas’ identifying nationally or regionally significant and vulnerable areas of ecological and geological value that are protected by the plan’s policy and rule framework, were based on information that is now over 20 years old, contain significant gaps, and are overdue for update.

However, the time required to take a new variation to the coastal plan’s aquaculture chapter, necessary to establish a robust policy and rule framework in line with that proposed by the Bill, through the RMA 1st Schedule process far exceeds the 1 year moratorium period envisaged by the Bill. Realistically, the minimum time required to complete such a plan variation process (including

resolution of appeals to Council decisions) is more likely to be 3 years. It is accepted that there is likely to be tension between competing interests over the maximum allowable time for such a moratorium on applications, for example Council seeking sufficient time to complete lengthy RMA process and the industry seeking the minimum further likely delays to when they can apply for aquaculture consents. However, the maximum time of the Minister's stay on aquaculture applications in the Bill needs to be extended if it is to provide a realistic opportunity for the Council to update its coastal plan so that it provides a robust regional aquaculture policy framework.

Recommendation 5

Retain the provisions related to the Minister of Aquaculture suspending receipt of aquaculture consent applications, and requiring joint processing and hearing of these, but extend the maximum time that the relevant notice of suspension applies to 2 years (or more) to allow the relevant coastal plan provisions to be amended through the RMA 1st Schedule process.

4.3.7 Minister's ability to directly amend aquaculture provisions of coastal plans

The Bill proposes new sections 360A to 360C that allow for the Minister of Aquaculture to recommend regulations that directly change (without a 1st Schedule RMA process) the aquaculture provisions of a coastal plan that would be made through an Order in Council by the Governor General. Such changes must only be where the Minister is satisfied that they are necessary or desirable for the management of aquaculture development in accordance with the Government's policy for aquaculture in the coastal marine area; and the matters to be addressed are of regional or national significance. The Minister must first have consulted with a short list of parties including the Council responsible for the affected coastal plan (but may choose to also consult others). It is noted that one of the primary requirements, consistency with the Government's policy for aquaculture, is highly uncertain since this policy does not currently exist, and the national aquaculture strategy and action plan to be developed by the new Aquaculture Unit is understood to be a non-statutory document.

It is acknowledged that the RMA already includes (section 55) provisions where requirements established within a National Policy Statement are able to be directly inserted into a coastal plan without the need to follow 1st Schedule RMA process. In addition, new controls on activities imposed by RMA Regulations have immediate effect. However, both these generally involve considerable inclusive process to develop policies and rules that then apply nationally to all relevant policies and plans. The Bill appears to establish a unique provision where the Minister may set in motion a process that may unilaterally change the aquaculture provisions of a single region's coastal plan in a way that can be contrary to the preferences of the regional community as reflected by the Council's decisions on the plan made in accordance with the testing 1st Schedule RMA process.

The Council is concerned that this signals a significant shift in the relationship between central and local government. We are concerned that this undermines the regional autonomy established by the RMA and erodes the right of regional communities to make decisions on how the natural and physical resources of their region should best be managed. We consider that the risks to regional autonomy and for communities to materially influence the direction of resource management within their region outweighs any benefits that might accrue to the region through speedy modification of coastal plan provisions without the need for costly 1st Schedule RMA process.

Recommendation 6

Remove clause 96 of the Bill that proposes new sections 360A to 360C of the RMA allowing the Minister of Aquaculture to recommend to the Governor General regulations that would directly change the aquaculture provisions of a coastal plan.

5. SCHEDULE OF REQUESTED AMENDMENTS

5.1 Attached for convenience, as Appendix 1, is a list of sections that Auckland Council has sought to be amended or clarified.

6. SIGNED ON BEHALF OF AUCKLAND COUNCIL

His worship Mayor Len Brown
Deputy Mayor Penny Hulse, Deputy Chair of Auckland Future Vision Committee
AUCKLAND COUNCIL

Address for service:

Auckland Council
1 Greys Ave
Private Bag 92300
Auckland 1142

Attention: Chief Planning Officer
Phone: (09) 307 7552
email: roger.blakeley@aucklandcouncil.govt.nz

Records of Workshops held on 9 and 16 December 2010

File No.: CP2011/00197

Executive Summary

Attaching records of workshops held on 9 and 16 December 2010.

Recommendation/s

- a) That the records of the workshops held on 9 and 16 December 2010 be approved.

Attachments

No.	Title	Page
A	Record of Workshop on 9 December 2010	50
B	Record of Workshop on 16 December 2010	52

Signatories

Authors	Crispian Franklin - Committee Secretary
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Record of Councillor Workshop

Subject: The Auckland Plan – Key Stakeholder Workshop – Presentation the Mayor and Councillors

Meeting Room: Auckland Town Hall, Council Chambers

Date: 9 December 2010 at 9.00 a.m.

Attendees:

Mayor	Len Brown (Chair)	
Deputy Mayor	Penny Hulse	
Councillors	Arthur Anae	Richard Northey
	Calum Penrose	Dr Cathy Casey
	Noelene Raffills	Jami-Lee Ross
	Alf Filipaina	Sharon Stewart
	Sir John Walker	Michael Goudie
	Wayne Walker	Ann Hartley
	Penny Webster	George Wood
	Des Morrison	

Apologies

Councillors Brewer, Coney, Fletcher, Lee and for non-attendance and Wood for lateness.

The following stakeholder presented to the Mayor and councillors:

Time	Stakeholder Organisation	Presented by
9.00-9.30am	Auckland International Airport Ltd	Peter Alexander Simon Moutter
9.30-10.00am	Rural Industry Group	Wendy Clark Peter Spencer Chris Keenan Roger Parton Richard Garner Jim Cooke Ross Keenan
10.00-10.15am	Break	
10.15am-10.45am	Committee for Auckland	Sir Ron Carter Heather Shotter Lucy Baragwanath
10.45am-11.15am	Manukau Institute of Technology	Stuart Middleton
11.15am-11.45am	Environmental Defence Society	Raewyn Peart Kelsey Serjeant

A copy of the presentations have been placed on the file copy of the workshop minutes

The workshop concluded at 12:30noon.

Item 13

Attachment B

Record of Councillor Workshop

Subject: The Auckland Plan – Propositions/ Scenarios identified

Meeting Room: Auckland Town Hall, Reception Lounge, Level 2

Date: 4pm (after the Governing Body meeting)

Attendees: Deputy Mayor Penny Hulse
Councillors Richard Northey Cameron Brewer
Calum Penrose Noelene Raffills
Sandra Coney Alf Filipaina
Sharon Stewart Michael Goudie
Wayne Walker Ann Hartley
Penny Webster George Wood
Des Morrison

Apologies

Councillors His Worship the Mayor, Arthur Anae, Cr Cathy Casey, Chris Fletcher, Mike Lee, Jami-Lee Ross, Sir John Walker,

Dr Roger Blakeley, Chief Planning Officer and Ree Anderson, Regional Strategy, Community and Cultural Policy Manager presented to Councillors on the propositions and scenarios identified for the Auckland Plan.

The workshop concluded at 4:53pm.

Legal Status of the CBD Board

File No.: CP2011/00170

Executive Summary

The CBD Board is an advisory body, initially convened in 2005 and reconstituted by resolution of the new Auckland Council on 30 November 2010. At this stage, the councillors requested a further report on the legal status of the advisory board. The CBD Board is a stakeholder or reference group, constituted by the Auckland Council with councillor appointments. It does not have any decision-making ability or delegations in terms of the Local Government Act 2002 (Act). It is not a legal entity, such as a trust or incorporated society.

The Board is a council organisation as defined in terms of the Act.

The CBD Board Terms of Reference were reviewed in light of the above. The terms of reference do not include any delegations or decision-making accountabilities.

It has not been created as a legal entity, accordingly legal advice is that the CBD Board has no legal status.

Recommendation/s

- a) That the report be received.
- b) That the Auckland Future Vision Committee note
 - i) That the CBD Board is a council organisation as defined under the Local Government Act 2002
 - ii) That the CBD Board is an advisory body which is defined as a stakeholder or reference group
 - iii) That the CBD Board has no legal status in terms of decision-making abilities and holds not delegations under the Local Government Act 2002
 - iv) That the CBD Board Terms of Reference have been revised to reflect the above.

Background

At the Auckland Future Vision Committee meeting on the Tuesday 30 November 2010, the committee considered a report on the continuation of the CBD Board, which stated that the CBD Board should be retained to oversee and advise on the CBD targeted rate, and give insight on the implementation of CBD projects.

The CBD Board is an external advisory body comprised of a diverse group of key CBD stakeholders that represent business and residential targeted rate payers in the CBD. The CBD Board volunteer their time and influence to champion the city centre, streetscapes and other projects that support the outcomes outlined in the *CBD Into the Future Strategy*. Their wide knowledge of complex issues that affect the CBD enables application of lateral thinking to issues that arise and they can influence their networks to ensure buy-in for approved projects. They also help smooth implementation of everyday and transformational projects for the city centre to ensure projects are sustainable and intergenerational.

The Auckland Future Vision Committee resolved that:

1. That the Auckland Council agree to retain the CBD Board to oversee and advise the Council on the CBD targeted rate and CBD issues, until any further arrangement may be identified through the Auckland (Spatial) Plan; and
2. That the political composition of the CBD Board be extended to include four council representatives of the whole of council committees namely; Mayor Len Brown, Councillors Anae, Brewer and Lee and one representative from the Waitemata Local Board as delegated by the Chair.
3. That the Auckland Future Vision Committee requests a report to the next Committee meeting regarding the legal status of the CBD Board.

Accordingly, advice has been sought from the Manager of Public Law, Auckland Council on the legal status of the CBD Board, as requested in resolution 3 above. Under the Local Government Act 2002, the CBD Board is a council organisation, but has no legal status. This means that the group has no delegations, no autonomous budgetary authority and are not a decision-making group. They are able to make recommendations to council committees that will be presented as the board's view.

The CBD Board Terms of Reference has been reviewed. These are attached for reference and will be presented to the first meeting of the CBD Board in 2011 for their adoption. In summary, the CBD board will assist the council to oversee and advise the council on

- achieving the vision and strategic outcomes of Auckland's CBD Into the future (2004-2014)
- development of the City Centre Masterplan
- expenditure of the CBD targeted rate
- CBD issues

until any further arrangement may be identified through the Auckland (Spatial) Plan.

More specifically, the role of the CBD board is defined in the Terms of Reference as to:

1. Assist the council to plan, shape and drive the delivery of the CBD strategy
2. Report stakeholder views and promote dialogue on initiatives within the CBD portfolio
3. Act as sounding board for the CBD transformation projects team on new and existing initiatives
4. Champion and provide leadership for the CBD strategy in the wider community
5. Maintain an overview of the strategy and action plan to assist with integration of the initiatives
6. Monitor the progress of the CBD strategy and action plan
7. Provide guidance into the portfolio of projects funded via the CBD targeted rate
8. Establish and safeguard the pursuit of excellence of all projects in the CBD portfolio from inception to delivery.
9. Provide input to or lead other CBD stakeholder reference groups on specific projects or relevant council strategies impacting the CBD
11. Review or recommend any proposed changes to the targeted rate policy
12. Review and provide feedback on the CBD streetscapes and open space upgrade projects :
 - a) concept designs
 - b) developed designs
 - c) endorse the concept designs prior to going out for public consultation
13. Provide a sounding board to the designers for the CBD streetscapes and open space upgrade projects
14. Ensure a cohesive approach to the designs of the CBD streetscapes and open space upgrade projects

Composition of the CBD Board

The CBD Board is comprised of external stakeholders and political representatives.

Each external stakeholder has a three-year term. The CBD Board composition was reviewed in 2008 and will be reviewed at the end of 2011. The current CBD Board external stakeholders and body/sector they represent are:

- Connal Townsend, (Chair), National Director Property Council of NZ – (Property Council)
- Earl Gray, (Deputy Chair) Partner, Simpson Grierson – (corporate sector including financial and other professional services)

- Alex Swney, Chief Executive, Heart of the City – (retail / mainstreet representative organizations)
- Barbara Holloway, K Road Business Association – (retail / mainstreet representative organizations)
- Jillian de Beer, Managing Director, de Beer Marketing & Communications – (arts and cultural sector)
- Ngarimu Blair, Ngati Whatua o Orakei Maori Trust Board- (Ngati Whatua)
- Richard Hall, Head of the Vice-Chancellor's Department, AUT University – (education)
- Timothy Greville, Registrar, University of Auckland – (education)
- Marcus Reinders, New Zealand Hotel Council – (tourism/travel)
- Tim Coffey, CBD Residents Advisory Group – (residents)
- Dick Ayres, CBD Residents Advisory Group – (residents)

The political representatives as approved by the Auckland Future Vision Committee in December 2010 are:

- Mayor Len Brown
- Cr Anae Arthur Anae
- Cr Cameron Brewer
- Cr Mike Lee
- Waitemata Local board representative (Shale Chambers, Chair).

Decision Making

N/A

Significance of Decision

Not applicable, as this is an information only report and does not trigger the Significance Policy.

Consultation

N/A

Financial and Resourcing Implications

N/A

Legal and Legislative Implications

Legal status of the CBD Board

The effect of clause 30(7) of Schedule 7 of the Act is that any committee, subcommittee, or other subordinate decision-making body is, unless the local authority resolves otherwise, deemed to be discharged on the coming into office of the members of the local authority newly elected.

However, the Board is an advisory body that is defined as a stakeholder or reference group, constituted by council with councillor appointments forming part of the group of other interested parties. In the past, as a result of the standing of its members, it is apparent that, although the Board was influential in the decision making process of the Auckland City Council, it did not however have any decision making ability or delegations in terms of the Act.

Legal advice has also been sought on whether the Board is a council organisation as defined in section 6 of the Act. The relevant part of the definition is:

(b) *an entity in respect of which 1 or more local authorities have, whether or not jointly with other local authorities or persons,—*

- (i) *control, directly or indirectly, of 1 or more of the votes at any meeting of the members or controlling body of the entity; or*
- (ii) *the right, directly or indirectly, to appoint 1 or more of the trustees, directors, or managers (however described) of the entity.*

Entity is further defined as:

- (2) *For the purposes of subsection (1), entity means any partnership, trust, arrangement for the sharing of profits, union of interest, co-operation, joint venture, or other similar arrangement; but does not include a company, or a committee or joint committee of a local authority.*

Therefore, the CBD Board is a council organisation in terms of the Act, by virtue of the appointment of four council representatives and a local board representative. Being a council organization does not mean that the CBD Board has any delegation conferred.

Local Government Official Information and Meetings Act 1987 (LGOIMA)

As discussed above, the Board was not a committee of council; therefore, it is not subject to the meeting procedure requirements set out in LGOIMA.

However, the councillors that are appointed to the Board would, if requested, be required to provide information that they hold about the Board, including the contents of any meetings that they may attend in their capacity as councillors. This is subject to the usual provisions of LGOIMA that permit the withholding of information in certain circumstances as set out in section 6 or 7 of Local Government Official Information and Meetings Act 1987.

Implementation Issues

N/A

Attachments

No.	Title	Page
A	Terms of reference for the CBD Board (2011)	59
B	Policy for selection and replacement of CBD Board members	67

Signatories

Authors	Jane Farley, Portfolio Manager, City Transformation
Reviewer	Simon Lough, CBD Transformation Team Leader, City Transformation
Authorisers	Penny Pirrit, Manager, Regional and Local Planning
	Roger Blakeley, Chief Planning Officer

Terms of Reference for the CBD Board

These terms of reference set out the roles, responsibilities and working arrangements for the CBD Board.

The board is an advisory body with no decision-making or autonomous budgetary authority.

The board will assist the council to oversee and advise the Council on achieving the vision and strategic outcomes of Auckland's CBD Into the future (2004-2014), the expenditure of the CBD targeted rate, CBD issues and advising on the City Centre Masterplan, until any further arrangement may be identified through the Auckland (Spatial) Plan.

The CBD Into the Future strategy's vision is to "grow and consolidate the CBD's international reputation as one of the world's most vibrant and dynamic business and cultural centres." The strategic outcome areas supporting the vision are that Auckland's CBD will be:

- recognised as one of the world's premier business locations
- a high quality living urban environment
- the most popular destination for Aucklanders and visitors to the region
- a world class centre for education research and development
- a place that feels like the heart and expresses the soul of Auckland.

Role of the CBD Board

The role of the board is to:

1. Assist the council to plan, shape and drive the delivery of the CBD strategy
2. Report stakeholder views and promote dialogue on initiatives within the CBD portfolio
3. Act as sounding board for the CBD transformation projects team on new and existing initiatives
4. Champion and provide leadership for the CBD strategy in the wider community
5. Maintain an overview of the strategy and action plan to assist with integration of the initiatives
6. Monitor the progress of the CBD strategy and action plan
7. Provide guidance into the portfolio of projects funded via the CBD targeted rate
8. Establish and safeguard the pursuit of excellence of all projects in the CBD portfolio from inception to delivery.
9. Provide input to or lead other CBD stakeholder reference groups on specific projects or relevant council strategies impacting the CBD
11. Review or recommend any proposed changes to the targeted rate policy
12. Review and provide feedback on the CBD streetscapes and open space upgrade projects :
 - a) concept designs
 - b) developed designs
 - c) endorse the concept designs prior to going out for public consultation
13. Provide a sounding board to the designers for the CBD streetscapes and open space upgrade projects
14. Ensure a cohesive approach to the designs of the CBD streetscapes and open space upgrade projects

These roles and responsibilities are detailed below, with an explanation of what they will mean in practice.

(a) Assist the council to plan, shape and drive the delivery of the CBD strategy

This means the board members, individually and collectively, will:

- come prepared to meetings having pre-read and considered agendas and associated documents
- participate actively in the CBD strategy review process led by Auckland Council
- bring their own ideas for programme and process improvements to the board's attention
- feed ideas and comments into the council's decision making processes (eg making recommendations to the council committees through officer reports).

(b) Report stakeholder views and promote dialogue on initiatives within the CBD portfolio

This means the board members, individually and collectively will:

- actively engage their networks in dialogue about the CBD strategy and programmes
- bring ideas and comments from their networks/stakeholders back to board meetings for discussion
- ensure their networks get feedback on any ideas and issues they raise.

(c) Act as a sounding board for the CBD transformation projects team on new and existing initiatives

This means the board members, individually and collectively, will:

- receive and discuss reports and presentations from CBD transformation projects team members
- provide comment and feedback on ideas and initiatives brought to it by CBD transformation projects team members
- actively debate issues but seek, ultimately, to develop a single board view on ideas and initiatives brought to it
- request that reviews of projects be conducted for consideration by Council.

(d) Champion and provide leadership for the CBD strategy in the wider community

This means the board members, individually and collectively, will:

- invest time and effort into understanding the CBD strategy and its programme of action
- seek opportunities to speak positively about the strategy to external audiences
- provide media comment if requested by the CBD Board Chair.

(e) Maintain an overview of the Strategy and action plan to assist with integration of the initiatives

This means the board members, individually and collectively, will:

- familiarise themselves with the three year action plan (with a particular focus on the current year's programme of action/works)
- actively monitor opportunities for CBD transformation projects to leverage from/add value to each other
- identify potential conflicts between individual projects and/or project objectives
- debate and provide a view on trade offs between projects and between the objectives of individual projects
- identify and bring to the board's attention potential conflicts and synergies between external (non-council) and the council initiatives, perspectives and programmes.

(f) Monitor the progress of the CBD portfolio

This means the board members, individually and collectively, will:

- receive and actively consider progress reports presented to the board
- identify any concerns about progress
- recommend ways of addressing any progress delays or issues (e.g. reviewing the scope, quantity, timing, of and/or resources for delivering on projects).

(g) Provide guidance into the portfolio of projects funded via the CBD targeted rate

This means the board members, individually and collectively, will:

- familiarise themselves with the CBD targeted rates supported programme of works
- discuss the programme with their networks
- invest time and effort into understanding how and to what extent individual projects contribute to achieving the CBD vision and outcomes
- develop an informed view about project priorities.

(h) Establish and safeguard the pursuit of excellence of all projects in the CBD portfolio from inception to delivery.

This means the board members, individually and collectively, will:

- demonstrate in themselves and their board input and participation their personal best expression of the quality of excellence and its pursuit
- work collectively to ensure that all board goals seek nothing less than the best expression possible of excellence in all inputs into the CBD strategy and action plan
- determine that nothing short of excellence will suffice for Auckland city and the success of its CBD strategy and action plan.

(i) Provide input to or lead other CBD stakeholder reference groups on specific projects or relevant council strategies impacting the CBD.

This means the board members, individually and collectively, will:

- make known to the board their areas of expertise and interest
- actively participate in specially convened CBD stakeholder reference groups
- convene and lead specially convened CBD stakeholder reference groups

- actively participate in consultation on council policies and strategies which have implications for the CBD.

(j) Review or recommend any proposed changes to the CBD targeted rate policy

This means the board members individually and collectively, will:

- receive and discuss information relating to CBD targeted rate policy annually
- make recommendations into council's decision making processes relating to any targeted rate policy change.

(k) To review and provide feedback on the CBD streetscapes and open space upgrade projects :

- a) concept designs
- b) developed designs
- c) endorse the concept designs prior to going out for public consultation

This means the board members, individually and collectively, will:

- provide comment and feedback on the designs presented to them by members of the CBD project team
- feed ideas and comments prior to council's decision making processes.

(l) Provide a sounding board to the designers on CBD streetscapes and open space upgrade projects

This means the board, individually and collectively, will

- provide constructive feedback to designers in advance of formal consultation processes.

(m) Ensure a cohesive approach to the designs of the CBD streetscapes and open space upgrade projects

This means the board members, individually and collectively, will

- consider the designs from the perspective of their respective sectors, seeking to provide comments on the designs from a holistic perspective.

CBD Board composition

The board will be comprised of key CBD stakeholders, made up of 17 members comprising 12 external stakeholders and 5 political representatives.

The board members need to demonstrate the following qualities:

- passion and commitment to the development of the CBD
- credibility and prominence in the community
- an understanding of the CBD and support for Auckland Council's vision
- commitment to playing an active role on the board
- an ability to effectively chair meetings.

The board will be sought from the following sectors or groups:

- corporate sector including financial and other professional services (2)
- tourism/travel (1)
- retail, including mainstreet representative organisations (2)
- education (The University of Auckland, Auckland University of Technology) (2)
- Ngati Whatua (1)
- residents (representative from the CBD Residents Advisory Group) (2)
- Property Council (1)
- arts and cultural sector (1)
- Auckland Councillors (4),
- Waitamata Local board (1)

Selection of Members

Selection of members will follow the "Policy for selection and replacement of CBD Board members" process.

Each representative should be a person that is able to demonstrate the qualities outlined above.

Chair and Deputy Chair

The roles of Chair and Deputy Chair will be elected from the non elected/political representatives by the full board at the first board meeting and thereafter annually at a meeting determined by the CBD Board.

Term of office/resignations/replacements

- Board members may represent their stakeholder group/sector for an unlimited number of terms, as membership is sought through representative organisations.
- Term of a Board Member is for a period of three years.
- A new Chair and Deputy Chair will be elected annually.
- The Chair and Deputy Chair can be re-elected each year of their term as Board members
- The Policy for Selection and Replacement of CBD Board Members records how the board will receive and process resignations and subsequent replacements of members, as well as the selection of new the board members.

Meetings

Meeting schedule/timing/nature

- Members will meet on an (unpaid) voluntary basis.
- The board meets monthly, with the flexibility to meet as and when required on specific issues/projects.
- Meetings will be of 2 hours duration.
- The Auckland Council City Transformation Unit will arrange the venue and catering for each meeting.
- Meeting agendas will focus on progressing the strategy for the CBD as a whole and on specific projects.
- Subgroups may be formed to expedite progress, with one board member taking responsibility for championing particular projects or outcome area.

Reporting

The board will make recommendations to council committees (where appropriate).

Agenda distribution/minutes

- Agendas for the board meetings will be distributed 5 working days prior to the meeting date.
- A proposed agenda item may be submitted by a board member to the board secretary (City Transformation unit) up to 15 days prior to a board meeting. If the item is not accepted by the chair and/or deputy chair, the member will be advised of the reason prior to the agenda being circulated.
- Meeting agendas will be set by the chair and/or the deputy chair in consultation with the CBD Transformation Projects Team Leader or City Transformation Portfolio Manager.
- Minutes of the board meetings will be distributed to members no later than 5 working days after the board meeting.

Staff support/servicing of board

- The CBD Transformation Projects Team Leader is responsible for the CBD Board.
- The City Transformation Projects Portfolio Co-ordinator (with support from the City Transformation Projects Portfolio Administrator) will act as secretary and will be the first point of contact for board members.
- The secretary will be responsible for arranging board meetings, catering, paperwork, reimbursements, council/board communications etc.
- The City Transformation Portfolio Manager will provide a monthly portfolio report to the board (with support from the CBD portfolio team).
- The board will be serviced by the City Transformation portfolio team.

Resourcing of the board

- \$8000 per annum will be allocated to the administration of board meetings – catering, printing, reimbursements etc.
- Members will not be remunerated for participation on the board, however reasonable travel/parking costs may be reimbursed.

Protocols for members/conflicts of interest

- The board will work under a code of conduct for their members and meetings (covering issues such as conflicts of interest, pecuniary interests, qualified privilege etc).
- To assist the board members in the above matter, each board member will provide a list of the organisations they represent and their role within each of these organisations.

Code of conduct

The code of conduct includes protocols around conflicts of interest, respecting confidentiality and ensuring ones actions and comments do not bring the council into disrepute.

With this in mind, board members are to:

- declare any conflicts of interest to the board and then abstain from discussions and decisions where there is a conflict of interest.

(N.B a conflict of interest is likely to occur if a board member has a pecuniary or social interest in a matter being discussed by the board. In other words, the member may stand to benefit from a decision made by the board about that particular matter. An example could be a discussion about a piece of work that the member may propose to carry out as a consultant or contractor. A conflict may also be perceived rather than actual. Such conflicts need to be considered and a decision made as to whether they should be treated as actual).

- raise their concerns with the board, where there is a lack of clarity around whether there is a real conflict of interest or where such a conflict could be perceived, and seek a decision on whether or not the issue is to be considered as if a conflict of interest exists.
- keep confidential any matters brought to it in confidence.
(N.B as a public body council must always justify why something is to be heard in confidence. It is unlikely; therefore, that many confidential matters will be brought to the board)
- ensure that their behaviour or actions do not bring the council into disrepute.
(N.B. This does not prevent members from legitimately challenging council policy decisions.)

Recommendation processes

Board recommendations are to be:

- based on robust information and debate ensuring that the different perspectives of the members are considered
- developed and presented as the board's view.

(N.B. This does not mean there can be no difference of opinion. What it does mean is that members are expected to support, publicly and not undermine the board's collective agreed view, even if their personal view differs from the collective view.

This does not prevent members from legitimately expressing their individual or representative organisations view on council policy decisions.)

Review of Board

The board will be reviewed on delivery of the Auckland (Spatial) Plan, and thereafter, every three years.

Lifespan of Board

This board will be dis-established at the completion of its role or if Auckland Council consider the board is no longer necessary.

Policy for selection and replacement of CBD Board members

Selection of new or replacement Board members

Industry representatives

- The elected representatives appointed to the board have authority to decide what entities or organisations will represent each identified sector or group.
- A list of suitable industry bodies will be identified from the sectors/groups listed in the CBD Board Terms of Reference, utilising the CBD Board members knowledge, influence and wider professional networks and in conjunction with the City Transformation Manager
- A CBD Board member will then approach the representative organisation for nomination a suitable representative candidate
- The representative for each sector or group will be appointed by the entity or organisations chosen to represent that sector or group.
- The candidate should demonstrate the qualities outlined in the terms of reference
- Once a suitable candidate is nominated by the representative organisation, the person is then formally invited by letter to participate in the CBD Board
- Acceptance should also be by formal letter

Auckland Council political representatives (elected representatives)

- A report is written to Council that recommends appointment of elected representatives to the CBD Board, following a local body election.

Resignations

Industry representatives

When a representative ends their term of office (or resigns) from the industry or professional organisation:

- Formal letter of resignation received by the Chair of the CBD Board
- One month notice should be provided
- Chair of CBD Board to table the resignation at the next CBD Board meeting
- A formal response/letter to be sent the resigning CBD Board member
- The selection for new or replacement members is then followed

Exclusion of the Public : Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

That the public be excluded from the following part(s) of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

C1 Auckland Plan - Potential Categorisation

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	s7(2)(h) - The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities. In particular, the proposals on the report have potential commercial impact on property development. .	s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.