

Local Government (Auckland Council) Bill 2009.

Submission to the Parliamentary select committee
From **Devonport Heritage Inc.**

Devonport Heritage Inc was formed 14 years ago by local residents to protect, enhance and promote the built heritage of Devonport.

We argued successfully for strong heritage rules to be included in the North Shore City Council's District Plan and are a well-recognised custodian and lobby group for Devonport's unique historic identity.

We welcome this opportunity to present our submission to the Local Government Auckland Council Bill and would like to be heard before the Select Committee.

Overview:

We support the two tier system of governance in the Bill. But to work well the Auckland Council must focus on strategic region-wide issues only, and Local Boards must have the power and the budgets to effectively represent their residents.

Clause 8: Auckland Council

- a. The Auckland Council should be focused on strictly strategic and region-wide matters. It should be responsible for all asset and debt management and revenue raising. We support the aim that there should be one set of financial plans and policies for Auckland and one rating system.
- b. All councillors to be elected from wards, none at large. This will ensure that councillors are elected from across the region, that election campaigns are affordable and all representatives are accountable to their communities.
 - Each ward should be represented by two councillors and each ward should have at least two local boards.
 - Additional local boards should be established in a ward if distinct communities of interest are to be represented.
- c. The duties of the Auckland Council and the Boards should be clearly defined and imbedded in the Bill and clear lines of communication between the two tiers should be established.
- d. District Plans. While there should be one District Plan for the whole of Auckland it must reflect the different communities of interest in the city.

Devonport Heritage pushed for, and has continued to uphold, the NSCC's Residential 3 Zone of the District Plan which applies to the older areas of Devonport, Birkenhead and Northcote.

These rules have been tried and tested over the years and were most recently fine-tuned by Plan Change 21.

We believe they are among the best planning heritage rules in the country and are the main reason Devonport stands today as one of the most well-preserved and recognised heritage areas in Auckland.

We will fight strenuously for the retention of these rules in their existing areas of operation and suggest they could be applied to other heritage areas of Auckland.

Clause 9: The Mayor

As is the case across Auckland, our committee was divided over how the Mayor should be elected.

Therefore we suggest the following:

- If the mayor is elected at large the STV system should be used. This would mean the mayor would accumulate 50% of the voters' preferences to win and have a clear mandate. The Council should elect its own chairs of committees.
- If the FPP system is used the mayor should be elected from Council members and given the power to select his/her own committee chairs.

Clause 10-17: Local Boards – Functions, duties and powers.

The Local Board system is the only way of achieving a real engagement with communities and allow for genuine community access to decision-makers. The Bill is very weak on local democracy and the operation of local boards and unless this is addressed the new Auckland governance system will fail.

- Planning decisions must be made locally and be supported by knowledgeable local staff.

As stated earlier, the Residential 3 zone for built heritage has been working in Devonport for thirteen years, but faults began occurring when planning staff and resources were centralised in Takapuna from around 2000 on.

The loss of local expertise and dedicated heritage planners resulted in several bad decisions.

This has been recently recognised by the NSCC and they have endeavoured to correct this by taking on more heritage specialists and improving planning processes.

It is enormously important that planning decisions are made by people with a real understanding and experience of heritage.

This is vital if Devonport (and other areas with a strong local identity) are to retain their unique local flavour and feeling of community.

Decisions on things like curbing, paving, lighting and street seating must also be made locally to reflect the heritage identity of Devonport.

- Local boards must have meaningful budgets, powers and responsibilities.

These powers must be clearly defined and statute-protected, and not be at the whim of Auckland Council delegations.

The roles of the Auckland Council and the Local Board must be well-defined and protected in law.

Meaningful budgets means having sufficient funding so the even small Boards have the ability to act on their delegations. Funding should not be allocated on a per capita basis and the funding formula must allow for transparency and accountability.

- Targeted rates: While this may be appropriate for communities wanting new sports or community facilities, it is not suitable for areas like Devonport where our heritage buildings are of regional and national importance.

Historic areas such as Devonport attracts visitors from far afield and the cost of buying and restoring significant heritage buildings should not fall solely on local residents.

Clause 11: Status of Local Boards

- The legal status of Local Boards should be recognised in the Act. They should be seen as a local representative body which operates within a larger authority and which provides services and acts as an advocate for residents, ratepayers and communities within their areas.

Clause 12: Membership of Board

- Local Board members should be elected by the STV system of voting to ensure better proportional and democratic representation.

Clause 13: Functions of Local Boards

- We support the submission of the Devonport Community Board on the matter of Board functions.
1. The Bill is unsatisfactory in the way it defines the links between the Auckland Council and the Local Boards. There needs to be systems set up by statute for ongoing communication between the two levels.
Some suggestions for Local Board and Auckland Council engagement are:
 - regular forums or plenary sessions
 - issue based engagement
 - attendance at Local Boards by Council members
 - joint committees or working parties
 - formal opportunities for Local Boards to bring issues to meetings of the Auckland Council or its committees
 2. The Auckland Council should be responsible for the production of the long term council community plan and annual plans.
 3. The Local Boards need to have meaningful input into these plans and other regional strategies. The Boards should collectively vote on any Auckland Council proposal to make a rate, pass a bylaw, adopt an Annual Plan or Long term Community Council Plan and purchase or disposal of assets if such a proposal is not included in the LTCCP.
 4. The Local Boards should be required to produce a Community Plan (in consultation with their local community) which is reflected at a summary level in the Auckland Council LTCCP. This Community Plan should cover the following:
 - vision for the community
 - outline of key community priorities and projects/activities
 - key areas, assets and values of local importance that need to be protected by the Auckland Council
 - a balanced budget required over the next 3 years (in detail) and 10 years (in outline) to fund these priorities
 - how the plan gives effect to regional plans and strategies
 - key performance indicators associated with the projects/activities

The Community Plan would also need to define through negotiation with the Auckland Council:

- the activities and functions of the Local Board
- objectives and deliverables by the Local Board
- the assets within their management responsibility
- the finding to be provided by the Auckland Council, including and local targeted rate
- any policy or standards the Local Board would have to meet.

Clause 19: Boundaries

1. Devonport is widely recognized as having a strong sense of community and is a prime example of a genuine 'community of interest'. Therefore it is highly important where the boundary lines are drawn for the Local Board.

To base it on the existing Devonport Community Board boundary approximately south of Eversleigh Road is probably the most feasible.

To take in a large chunk of Takapuna could be unpalatable for Takapuna residents who don't identify with Devonport at all and would dilute the whole concept of 'community of interest' and undermine what the local board system is trying to achieve.

We would recommend therefore that the present Community Board boundary be retained in the new board system.

2. We believe that 30 Local Boards is likely to be the minimum to allow for reasonable representation.

Communities of interest will not necessarily coincide with ward boundaries. It is more important that a resident identifies with his or her community of interest than with their ward.

3. We support no more than five members per Board.