

# DRAFT RE-ORGANISATION PROPOSAL

*For transferring the Hauraki Gulf Islands and Great Barrier Island to the Thames-Coromandel District Council*

As the originating and representative proposer, supported by ~739 of the registered affected voters in the Hauraki Gulf Islands ward under Auckland City Council, 11.07% of the total of 6672, being signatories on a petition under Schedule 3 of the Local Government Act 2002, I, Nobilangelo Charison Ceramalus, of 2-4 O'Brien Road, Rocky Bay, Waiheke Island, propose that:

1. The islands known as the Hauraki Gulf Islands (except for Rangitoto Island, an Auckland icon, and Browns Island, which was a gift to Auckland City, hereinafter 'the islands') now under the administrations of Auckland City Council and Auckland Regional Council shall by a boundary-change be transferred to Thames-Coromandel District Council (hereinafter 'the Council') and Environment Waikato (hereinafter 'the Regional Council').
2. (a) Because the Council has 9 councillors for 22,106 electors and the boundary-change would add 6672 (23.2%) making 28,778, and reckoning proportionally makes 11.72 councillors, there shall be 12 by adding 2 from a Waiheke Ward made up of Waiheke Island and its smaller neighbours and 1 from a Great Barrier Ward made up of Great Barrier Island and its neighbours;  
(b) The present peninsular councillor on the Regional Council shall represent both wards also;  
(c) There shall be a by-election for the 2 new district councillors and to fill any vacancies caused by resignations;  
(d) The present Gulf Islands councillor, who lives on Waiheke, shall become a Waiheke councillor.
3. (a) There shall be two community boards, one for Waiheke and for Great Barrier, each with 5 elected members, plus the councillor/s for each ward who shall be appointed to the board for that ward, plus the regional councillor who shall be appointed to both boards, plus one Maori-speaking representative of the local Maori community (who must be on an affected electoral roll) appointed by the local marae if there is one or by the community board after consultation with the local Maori community if there is not, with preference given to the local kaumatua if there is one, making a board of 9 members for Waiheke and 8 members for Great Barrier;  
(b) When the Council takes over, all existing members of the two community boards must in writing commit themselves unreservedly to this reorganisation, witnessed and counter-signed by the mayor or chief executive officer of the Council, and any who refuse to must resign;  
(c) All who stand in the by-election must in writing commit themselves unreservedly to this reorganisation,, witnessed and counter-signed by the mayor or chief executive officer of the Council, any who refuse to must withdraw their candidacy, and reference to that commitment must be clearly included in all their campaign advertising;  
(d) The wording of the statutory declaration made under Clause 14 of Schedule 7 of the Local Government Act 2002 by those who sit on the community board shall be as it was before this reorganisation except that the phrase '[island] community' shall be changed to '[island] ward'.  
(e) After the by-election the present chairs and deputy chairs in each board shall stand down and each new board shall elect a new chair and deputy chair from the 5 elected community board members.  
(f) When the mayor, or the deputy mayor as proxy, attends a meeting of either community board he/she may have a single deliberative vote.
4. (a) All decision-making for the islands shall be according to law, in particular the Local Government Act 2002, and in most particular it shall be founded on, informed by, and referred to ss10 and 14 of that Act (the purpose and the principles);  
(b) Breaches of the Act in governance or management may be submitted to the process laid down in s238;  
(c) The document *Essentially Waiheke*(but with wording changed as necessary due to this change in administration, statistical updates, errors, and changes in statute), in particular its five core principles, shall be referred to and inform all decisions made for Waiheke Island, in particular annual plans, district plans, regional plans, and individual planning applications;  
(d) Documents to match *Essentially Waiheke* shall be written for each island, after comprehensive and open consultation, in particular with permanent residents whose majority wishes shall be preferred, and it shall be referred to and inform all decisions made for each island, in particular annual plans, district plans, regional plans and individual planning applications.
5. There shall be a financial firewall for capital expenditure and loan-repayments, so that the peninsula's undertakings under those headings do not add to any island rates, and no island undertakings add to the peninsula's, and no island ward's add to any other island ward's.
6. (a) The islands shall share proportionately their actual and reasonable share of the administrative overhead in Thames, but that shall not exceed their proportion of the electorate, initially 23.2%, then adjusted at each triennial election;  
(b) The existing service centres on Waiheke and Great Barrier shall be the Council's primary contact for the islanders, supported as necessary from Thames in the main using information and telecommunications technology.

- 7.(a) (i) Community boards in the islands' wards shall have a high level of autonomy, local decisions shall as far as possible be made locally, they shall be treated as independent bodies as laid down in ss51-52 of the Local Government Act 2002, they shall have delegated authority under section 34(2) of the Resource Management Act 1991, and primary responsibility for their wards' annual plans and budgets, which shall be deeply rooted in comprehensive and open consultation in particular with permanent residents whose majority wishes shall be preferred;
- (ii) And in the case of the smaller islands (those outside Waiheke Island and Great Barrier Island) their residents and ratepayers shall have the primary say in decisions made about their island and must be represented and included and reasonably deferred to in the decision-making process whenever their island's affairs are discussed by a community board or the Council;
- (b) It shall be recognised that the (main) islands consist of villages, neighbourhoods, and rural entities, whose voices must be heard, and to that end the creation of village, neighbourhood and rural forums shall be actively encouraged to form a true grassroots democracy, which shall be consulted, listened to and referred to by community boards and planners;
- (c) Best use shall be made of modern telecommunications technology, in particular the Internet, by the Council and community boards to communicate with the community, engage with it, and involve it in decision-making;
- (d) Brookfield's opinion on s52 of the Local Government Act 2002 and the independence of community boards shall be considered the correct one and used accordingly;
- (e) Section 14(1)(e) of the Local Government Act 2002 shall be invoked to retain the present arrangement between island libraries and libraries in Auckland for access to books;
- (f) If the Royal Commission on Auckland Governance recommends a structure and system of governance that would give the islands a greater level of autonomy than the Council has proposed or agreed to or implemented it will after consultation with the islands propose and implement one that gives them at least the same level.
8. (a) There shall be no increase in the total rates-take from each island in the first financial year after this reorganisation takes effect, and annual rises thereafter shall not be more than the change in the CPI unless for some reason the majority of the permanent local community wants a greater increase, such as to fund a special community project via a rate struck on improved value;
- (b) To prevent the development of a lopsided demography that would destroy each island's special character, that part of their rates struck on improved value shall employ a rising graduated scale on multiples of the average improved value;
- (c) To encourage long-term ownership there shall be a rates discount calculated on years of occupation;
- (d) There shall be rates relief at 23 cents in the dollar in the year of the donation for donations to registered community groups in the district subject to approval by the community board;
- (e) There shall be a significant targeted rate that shall employ a rising graduated scale on improved value for properties where the postal address is outside the Council's district;
- (f) To discourage speculation there shall be a high special rate on capital value imposed on the vendor when a property is sold within 2 years of purchase and when the vendor cannot prove that he or she occupied it for that period;
- (g) There shall be a targeted differential rate struck on capital value where there are two or more separately inhabited parts of the rating unit (Schedule 3.7 of the LG(R)A 2002) and where the improved value exceeds the average for that island;
- (h) There shall be a targeted differential rate struck on capital value where any habitable part of the rating unit exceeds a gross floor area of 200 square metres or 15% of the land area whichever is the lesser (Schedule 3.11 of the LG(R)A 2002) and where the improved value exceeds the average for that island;
- (i) Serious consideration shall be given to removing capital value from the rates and using only improved value;
- (j) Where any of the above prove impossible under the Local Government (Rating) Act 2002, central government shall be lobbied for amendments to make them possible so that the Council can fulfil the social well-being requirement in s10 of the Local Government Act 2002.
9. A Remote Areas Development Fund (RADF) at the discretion of the community board/s shall be raised from a targeted rate on improved value struck across each insular ward, or across both wards, creating a fund available only to remote areas, to ensure that the infrastructure for economic activity and visitors in the insular part of the Hauraki Gulf Marine Park does not suffer because remote areas are in a poorer state. The degree of remoteness shall be the primary qualifier for grants, followed by the reasoned benefits expected to the local economy and visitor numbers. The RADF shall not exceed 7.5% of the variable portion of any rates bill. If struck across both island wards both community boards must first approve it and where it is to be spent.
10. (a) The Proposed Hauraki Gulf District Plan shall—
- (i) Be subjected to the high level of prior consultation required by the Local Government Act 2002, with preference given to the wishes of permanent residents;
- (ii) Specifically have particular regard to the Hauraki Gulf Marine Park Act 2000;
- (iii) Specify as mandatory criteria in all planning decisions the whole of section 7 of the Resource Management Act 1991 except subsection (h);
- (iv) Always take the word amenity in section 7(c) of the Resource Management Act 1991 as meaning pleasantness and no planning decision may give it any other meaning;

- (b) The time-limits in Section 115 of the Resource Management Act 1991 shall be strictly adhered to in all planning applications unless the community board for that ward uses or approves s92 to extend one by a specified period that can be reasonably justified under sections 5 to 8 of the Resource Management Act 1991 or sections 10 and 14 of the Local Government Act 2002 or both.
  - (c) Any proposed development whose total cost or total projected cost is valued at more than 25% of the total rates-take in that ward in the previous year may not take place or in any way begin unless approved by at least 60% of those who vote in a ward referendum and;
    - (i) To be valid the referendum must have a turnout of over 50% of registered voters and;
    - (ii) All costs incurred by the referendum shall be met by the developer and;
    - (iii) For the purposes of the referendum the value of the development shall be taken as the average of the values determined by three independent valuers chosen by the Council or community board.
  - (d) All resource-consent applications must—
    - (i) First be presented by the applicants in person to a full open meeting of the relevant community board, and;
    - (ii) The presentation must include realistic computer mockups of the proposal superimposed on photographs taken from eight points of the compass or from all practical and relevant vantage-points that may be requested by the community board, and;
    - (iii) No application shall proceed to detailed examination and report by designated planner/s unless it has first been approved in principle by the board, which shall consult widely with the community if it is in doubt, and shall second person/s with specific expertise when that is needed for it to make an informed decision, and;
    - (iv) The final decision on whether to approve or decline the application shall be made by the community board based on the planner/s report on behalf of the community, and;
    - (v) All decisions in 10 (d)(iii) and 10(d)(iv) must be made first and foremost in accordance with section 7(c) of the Resource Management Act 1991.
11. A practical alliance shall be negotiated with the Department of Conservation to operate jointly in the best interests of the inhabitants of the Hauraki Gulf Marine Park, and to share in any benefits that may accrue from carbon-trading.
12. The Regional Council may consider becoming Environment Waikato-Hauraki to reflect its much more important role in the Hauraki Gulf Marine Park, a national treasure.
13. (a) The Auckland City Council shall be prohibited from selling or transferring any asset on the islands until the Commission has ruled, and then only if the ruling goes its way, and it shall be prohibited from any retaliatory act of any sort for this application, and any breach of this sub-clause shall immediately be reported to the Royal Commission on Auckland Governance and the Local Government Commission as evidence of governance unfitness;
- (b) When the Order in Council takes effect—
- (i) All assets owned in the islands by Auckland City Council shall be transferred to the Council and;
  - (ii) The shares in Auckland International Airport and the Ports of Auckland that were formerly owned by the Waiheke County Council shall be transferred to the Council but any earnings from them shall be used only on Waiheke, or at the discretion of the Waiheke Community Board elsewhere on the islands.
- (c) Any liabilities, actual or potential, such as leaky-building claims, or any other claims that may arise at any time after reorganisation, that were caused by Auckland City Council's actions or errors of omission or commission during the period of its authority, shall be met in full by Auckland City Council and no liability of any sort shall be due to the Council.
- (d) Any liabilities or claims that may arise at any time after reorganisation that were caused by Auckland Regional Council's actions or errors of omission or commission during the period of its authority shall be met in full by Auckland Regional Council and no liability of any sort shall be due to the Regional Council.