

**Reprint  
as at 27 July 2017**



**Local Government Elected Members (2016/17) (Auckland  
Council and Local Boards) Determination 2016**  
(LI 2016/138)

Local Government Elected Members (2016/17) (Auckland Council and Local Boards) Determination 2016: revoked (with effect on 1 July 2017, after expiring on the close of 30 June 2017), on 27 July 2017, by clause 15(a) of the Local Government Members (2017/18) (Local Authorities) Determination 2017 (LI 2017/167).

Pursuant to clause 6 of Schedule 7 of the Local Government Act 2002, and to the Remuneration Authority Act 1977, the Remuneration Authority, after having regard to the matters specified in clause 7 of that schedule, makes the following determination (to which is appended an explanatory memorandum).

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**Note**

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint. Note 4 at the end of this reprint provides a list of the amendments incorporated.

**Local Government Elected Members (2016/17)  
(Auckland Council and Local Boards) Determination  
2016**

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## Determination

### 1 Title

This determination is the Local Government Elected Members (2016/17) (Auckland Council and Local Boards) Determination 2016.

### 2 Commencement

This determination comes into force on 1 July 2016.

### 3 Expiry

This determination expires on the close of 30 June 2017.

### 4 Interpretation

In this determination, unless the context otherwise requires,—

**ATA panel** means a panel appointed by the Auckland Council under section 89 of HASHA

**ATA panel hearing time** has the meaning given by clause 6

**ATA resource consent hearing** has the meaning given by clause 5

**ATA resource consent hearing fee** means a fee payable in accordance with clause 14 for attending an ATA resource consent hearing

**Auckland Council** or **Council** means the Auckland Council established by section 6 of the Local Government (Auckland Council) Act 2009

**HASHA** means the Housing Accords and Special Housing Areas Act 2013

**local board** means a local board established under section 10 of the Local Government (Auckland Council) Act 2009

**member,—**

- (a) in relation to the Auckland Council, means—
  - (i) a person who has been declared to be elected under the Local Electoral Act 2001 as the Mayor of Auckland or as any other member of the governing body of the Auckland Council; and
  - (ii) a person who, as the result of further election or appointment under that Act, the Local Government Act 2002, or the Local Government (Auckland Council) Act 2009, is an office holder in relation to the Auckland Council (for example, as chairperson of a committee of the Council):
- (b) in relation to a local board, means—
  - (i) a person who has been declared to be elected as a member of that local board under the Local Electoral Act 2001; and
  - (ii) a person who, as the result of further election or appointment under that Act, the Local Government Act 2002, or the Local Government (Auckland Council) Act 2009, is an office holder in relation to the board (for example, as chairperson of the board)

**RMA** means the Resource Management Act 1991

**RMA hearing time** has the meaning given by clause 8

**RMA resource consent hearing** has the meaning given by clause 7

**RMA resource consent hearing fee** means a fee payable in accordance with clause 15 for attending a resource consent hearing.

## **5 Meaning of ATA resource consent hearing**

- (1) In this determination, **ATA resource consent hearing** means a hearing that—
  - (a) is held by an ATA panel; and
  - (b) arises from—
    - (i) an application for a resource consent under subpart 2 of Part 2 of HASHA;
    - (ii) a request for a plan change or for a variation to a proposed plan under subpart 3 of Part 2 of HASHA.
- (2) To avoid doubt, in this determination, **ATA resource consent hearing** does not include—
  - (a) a hearing of submissions as part of the process of the preparation of a district or regional plan; or
  - (b) a hearing relating to a change or variation in a district or regional plan requested by a council or a local board; or
  - (c) any other hearing not specified in subclause (1).

## 6 Meaning of ATA panel hearing time

- (1) In this determination, **ATA panel hearing time**—
  - (a) means the time spent by a member hearing a matter referred to in clause 5(1); and
  - (b) includes the time spent by a member—
    - (i) at any formal ATA panel deliberations in relation to an ATA resource consent hearing; and
    - (ii) at a formal site inspection as part of a group inspection; and
    - (iii) in determining a notified ATA resource consent application where a formal hearing does not take place.
- (2) In this determination, **ATA panel hearing time**—
  - (a) also includes the time spent by a member—
    - (i) preparing for an ATA resource consent hearing; or
    - (ii) inspecting a site, not being a formal site inspection under subclause (1)(b)(ii); but
  - (b) does not include the time referred to in paragraph (a) to the extent that it exceeds the aggregate of the time spent by the member—
    - (i) hearing a matter referred to in clause 5(1); and
    - (ii) on the formal deliberations referred to in subclause (1)(b)(i).

## 7 Meaning of RMA resource consent hearing

- (1) In this determination, **RMA resource consent hearing** means—
  - (a) a hearing arising from a resource consent application made under section 88 of the RMA; or
  - (b) a hearing arising from a notice of requirement given under section 168 of the RMA; or
  - (c) a pre-hearing meeting held under section 99 of the RMA in relation to a hearing referred to in paragraph (a) or (b); or
  - (d) a hearing relating to a request for a change to a district or regional plan or policy statement under clause 21 of Schedule 1 of the RMA; or
  - (e) a mediation hearing in the Environment Court as part of an appeal from a decision of the Auckland Council; or
  - (f) a hearing on an objection against a charge fixed by the Council under section 36 of the RMA.
- (2) To avoid doubt, in this determination, **RMA resource consent hearing** does not include—
  - (a) a hearing of submissions as part of the process of preparation of a district or regional plan or policy statement; or

- (b) a hearing relating to a change or variation to a district or regional plan or policy statement requested by the Council or the local board; or
- (c) a hearing relating to a notice of requirement initiated by the Council or the local board; or
- (d) any other hearing not specified in subclause (1).

## **8 Meaning of RMA hearing time**

- (1) In this determination, **RMA hearing time**—
  - (a) means the time spent by a member hearing a matter referred to in clause 7(1); and
  - (b) includes the time spent by a member—
    - (i) at any formal committee deliberations in relation to an RMA resource consent hearing; and
    - (ii) at a formal site inspection as part of a group inspection or as part of a pre-hearing meeting described in clause 7(1)(c); and
    - (iii) in determining a notified resource consent application where a formal hearing does not take place.
- (2) In this determination, **RMA hearing time**—
  - (a) also includes the time spent by a member—
    - (i) preparing for an RMA resource consent hearing; or
    - (ii) inspecting a site, not being a formal site inspection under subclause (1)(b)(ii); but
  - (b) does not include the time referred to in paragraph (a) to the extent that it exceeds the aggregate of the time spent by the member—
    - (i) hearing a matter referred to in clause 7(1); and
    - (ii) on the formal deliberations referred to in subclause (1)(b)(i).

### *Auckland Council members*

## **9 Remuneration and allowances payable to members of Auckland Council**

The remuneration and allowances payable to the members of the Auckland Council are—

- (a) the remuneration set out in Schedule 1; and
- (b) the allowances payable in accordance with clauses 11 and 13.

### *Local board members*

## **10 Remuneration and allowances payable to members of local boards**

- (1) The remuneration and allowances payable to the members of local boards are—

- (a) the remuneration set out in Schedule 2; and
  - (b) the allowances payable in accordance with clauses 11 to 13; and
  - (c) the ATA resource consent hearing fees payable in accordance with clause 14; and
  - (d) the RMA resource consent hearing fees payable in accordance with clause 15.
- (2) A member of a local board is not entitled to be paid a meeting fee other than an RMA resource consent hearing fee or an ATA resource consent hearing fee.

### *Allowances*

#### **11 Vehicle mileage allowance**

- (1) The Auckland Council may pay a member of the Council or a member of a local board a vehicle mileage allowance for travel by the member on the Council's business.
- (2) An allowance may be paid to a member under subclause (1) for each day within the period of this determination that—
- (a) the member is not provided with a vehicle by the Council; and
  - (b) the member is travelling—
    - (i) in a private vehicle; and
    - (ii) on the Council's business; and
    - (iii) by the most direct route that is reasonable in the circumstances.
- (3) The allowance is payable, in relation to each day for which the member qualifies under subclause (2),—
- (a) in accordance with subclause (4); but
  - (b) if the travel is between the member's residence and the nearest office of the Auckland Council or a local board, the allowance is only payable for the distance travelled on that day that exceeds the threshold distance.
- (4) The allowance payable to a member is—
- (a) \$0.74 per kilometre for the first 5 000 kilometres travelled within the period of this determination for which the allowance is payable;
  - (b) \$0.37 per kilometre for any distance over 5 000 kilometres travelled within the period of this determination for which the allowance is payable.
- (5) If a member is not a member for the whole of the period of this determination, subclause (4) applies as if each reference to 5 000 kilometres were replaced by a reference to the number of kilometres calculated in accordance with the following formula:

$$(a \div b) \times 5\,000$$

where—

- a is the number of days during the period of this determination that the member held office
- b is the number of days in the period of this determination.

(6) In this clause,—

**on the Council's business** includes—

- (a) on the business of any local board; and
- (b) travel between a member's residence and an office of the Auckland Council or a local board

**threshold distance** means the shorter of the following distances:

- (a) the distance equivalent to a round trip between the member's residence and the nearest office of the Auckland Council by the most direct route that is reasonable in the circumstances; or
- (b) 30 kilometres, if the distance equivalent to a round trip between the member's residence and the nearest office of the Auckland Council is greater than 30 kilometres by the most direct route that is reasonable in the circumstances.

## 12 Travel time allowance

- (1) The Auckland Council may pay a member of a local board a travel time allowance if the office of the member cannot be properly regarded as a full-time position.
- (2) An allowance may be paid to a member under subclause (1) for each day within the period of this determination that—
  - (a) the member is travelling—
    - (i) on the Council's business; and
    - (ii) by the quickest form of transport that is reasonable in the circumstances; and
  - (b) the travel time of the member exceeds 1 hour.
- (3) The allowance is payable, in relation to each day for which the member qualifies under subclause (2),—
  - (a) at \$37.50 per hour; but
  - (b) only in respect of the travel time for that day that exceeds 1 hour.
- (4) In this clause, **on the Council's business** includes—
  - (a) on the business of any local board; and
  - (b) travel between a member's residence and an office of the Auckland Council or a local board.

### **13 Communications allowance**

- (1) If the Auckland Council determines that particular communications equipment and services are required by members of the Council or members of a local board to perform their functions, and members choose or are required to use their own equipment and communication services, the Council may pay an allowance for the period of this determination in accordance with this clause.
- (2) The amounts and matters in respect of which the allowance is payable are as follows:
  - (a) for the use of a personal computer, \$150:
  - (b) for the use of an electronic tablet, \$150:
  - (c) for the use of a printer (with or without a scanner), \$40:
  - (d) for the use of a mobile phone, \$60:
  - (e) for an Internet connection (with or without a telephone connection), \$250:
  - (f) for council-related toll and mobile phone charges, \$400.
- (3) The total amount payable to a member under subclause (2) must not exceed \$1,050.
- (4) If the member is not a member for the whole of the period of this determination, subclauses (2) and (3) apply as if each reference to an amount were replaced by a reference to an amount calculated in accordance with the following formula:

$$(a \div b) \times c$$

where—

- a is the number of days during the period of this determination that the member held office
  - b is the number of days in the period of this determination
  - c is the relevant amount specified in subclause (2) or (3).
- (5) The Remuneration Authority may approve rules proposed by the Auckland Council to meet the costs of installing and running special equipment or connections where, because of distance or restricted access, normal communications connections are not available.

#### *Resource consent hearing fees*

### **14 Fees for attending ATA resource consent hearing**

- (1) A member of a local board who acts as the chairperson of an ATA resource consent hearing is entitled to be paid a fee of \$100 per hour of ATA panel hearing time.



- (2) A member of a local board who is not the chairperson of an ATA resource consent hearing is entitled to be paid a fee of \$80 per hour of ATA panel hearing time.
- (3) For any period of ATA panel hearing time that is less than 1 hour, the fee must be apportioned accordingly.
- (4) Despite subclauses (1) and (2), ATA resource consent hearing fees are not payable to the chairperson of a local board.
- (5) To avoid doubt, ATA resource consent hearing fees are not payable to the mayor or members of the Auckland Council.

#### **15 Fees for attending RMA resource consent hearing**

- (1) A member of a local board who acts as the chairperson of an RMA resource consent hearing is entitled to be paid a fee of \$100 per hour of RMA hearing time.
- (2) A member of a local board who is not the chairperson of an RMA resource consent hearing is entitled to be paid a fee of \$80 per hour of RMA hearing time.
- (3) For any period of RMA hearing time that is less than 1 hour, the fee must be apportioned accordingly.
- (4) Despite subclauses (1) and (2), an RMA resource consent hearing fee for a pre-hearing meeting held under section 99 of the RMA is payable to only 1 member.
- (5) Despite subclauses (1) and (2), RMA resource consent hearing fees are not payable to the chairperson of a local board.
- (6) To avoid doubt, RMA resource consent hearing fees are not payable to the mayor or members of the Auckland Council.

#### *Miscellaneous matters*

#### **16 Application of certain allowances if determination continues after expiry**

- (1) This clause applies if this determination continues in force after its expiry under clause 7A(4) of Schedule 7 of the Local Government Act 2002.
- (2) Clauses 11(4) and (5) and 13(1) to (4) apply as if this determination—
  - (a) had come into force on the day after its expiry; and
  - (b) were to expire on 30 June 2018.

#### **17 Revocation**

The Local Government Elected Members (2015/16) (Auckland Council and Local Boards) Determination 2015 (LI 2015/184) is revoked.

**Schedule 1**  
**Remuneration of members of Auckland Council**

<b>Office</b>	<b>Annual salary (\$)</b>
	cl 9(a)
Mayor of Auckland	269,500
Deputy Mayor of Auckland	151,850
Chair of committee of the whole (3)	125,350
Councillor (16)	105,800
<b>Mayoral car</b>	
Full private use	

**Schedule 2**  
**Remuneration of members of local boards**

cl 10(1)(a)

**Albert–Eden Local Board**

<b>Office</b>	<b>Annual salary (\$)</b>
Chairperson	88,000
Member	42,750

**Devonport–Takapuna Local Board**

<b>Office</b>	<b>Annual salary (\$)</b>
Chairperson	77,850
Member	41,800

**Franklin Local Board**

<b>Office</b>	<b>Annual salary (\$)</b>
Chairperson	78,750
Member	41,100

**Great Barrier Local Board**

<b>Office</b>	<b>Annual salary (\$)</b>
Chairperson	53,400
Member	23,350

**Henderson–Massey Local Board**

<b>Office</b>	<b>Annual salary (\$)</b>
Chairperson	91,100
Member	43,250

### Hibiscus and Bays Local Board

Office	Annual salary (\$)
Chairperson	85,400
Member	42,450

### Howick Local Board

Office	Annual salary (\$)
Chairperson	95,400
Member	43,450

### Kaipatiki Local Board

Office	Annual salary (\$)
Chairperson	84,550
Member	42,200

### Mangere–Otahuhu Local Board

Office	Annual salary (\$)
Chairperson	82,650
Member	42,350

### Manurewa Local Board

Office	Annual salary (\$)
Chairperson	85,100
Member	42,350

### Maungakiekie–Tamaki Local Board

Office	Annual salary (\$)
Chairperson	81,900
Member	42,100

### Orakei Local Board

Office	Annual salary (\$)
Chairperson	84,100
Member	42,550

### Otara–Papatoetoe Local Board

Office	Annual salary (\$)
Chairperson	83,800
Member	42,550

**Papakura Local Board**

<b>Office</b>	<b>Annual salary (\$)</b>
Chairperson	74,500
Member	41,200

**Puketapapa Local Board**

<b>Office</b>	<b>Annual salary (\$)</b>
Chairperson	77,650
Member	41,800

**Rodney Local Board**

<b>Office</b>	<b>Annual salary (\$)</b>
Chairperson	76,100
Member	40,700

**Upper Harbour Local Board**

<b>Office</b>	<b>Annual salary (\$)</b>
Chairperson	75,850
Member	41,500

**Waiheke Local Board**

<b>Office</b>	<b>Annual salary (\$)</b>
Chairperson	59,450
Member	24,950

**Waitakere Ranges Local Board**

<b>Office</b>	<b>Annual salary (\$)</b>
Chairperson	75,650
Member	41,400

**Waitemata Local Board**

<b>Office</b>	<b>Annual salary (\$)</b>
Chairperson	80,750
Member	41,900

**Whau Local Board**

<b>Office</b>	<b>Annual salary (\$)</b>
Chairperson	82,650
Member	42,350

Dated at Wellington this 7th day of June 2016.

F Wilde,  
Chairperson.

A Foulkes,  
Member.

G Summers,  
Member.

### **Explanatory memorandum**

*This memorandum is not part of the determination, but is intended to indicate its general effect.*

This determination comes into force on 1 July 2016 and expires on the close of 30 June 2017. The determination sets the remuneration for the members of the Auckland Council and its local boards for that period.

The Remuneration Authority has had the responsibility for establishing remuneration for the Auckland Council since before that council was established.

We have undertaken 2 job-sizing reviews since 2010, the most recent in 2015.

In setting the remuneration for 2016, we confront issues that become sharper each year.

Auckland City is the home of almost a third of the New Zealand population. The Auckland Council has an annual budget of over \$3 billion and a staff of over 8 000. It is a city where there are extremes of wealth and poverty, and where raising the funds to maintain and enhance infrastructure and community services is placing pressure on all ratepayers and is causing significant community concern.

The governance of the city is unique in New Zealand and there can be little doubt that the pressure on the 20-plus members of the governing body and around 100 local board members, particularly during the development phase of the city's long-term strategy, has been immense.

Since the establishment of the Auckland Council, we have taken an extremely conservative approach to setting remuneration, to some extent with the expectation that workloads might reduce as the consolidation of the city occurred.

The initial remuneration established for the Auckland Council represented a saving of \$1.2 million on previous expenditure. While we are unable to accurately assess the

situation as if amalgamation had not occurred, it is still our view that the remuneration costs of governance are significantly lower than they would have been without the restructure.

We are, however, confronted by 2 stark choices. To provide remuneration for a councillor at 80% of the public sector remuneration for a position with the appropriate skills would require an increase of at least 20%. For positions with additional responsibilities (such as the Deputy Mayor and committee chairs), the increase would be significantly higher.

Remuneration for local boards is currently closer to a figure we deem fair to the incumbents, but it is still significantly behind other public sector remuneration, and especially so for local board chairpersons.

The Authority considers it is not possible to address these levels of increases in the current environment, although we remain of the view that a serious conversation about the size and nature of the positions needs to be held after the coming election.

We have determined to increase remuneration by 1.5% for all positions. This movement represents the lower end of increases we have applied to other positions we set and is the same movement applied to other major centres.

Some may consider that the Auckland Council's remuneration is too high and that increases in remuneration for senior people in business and in the economy are not warranted. On the other hand, the Auckland Council is required to lead one of the most significant contributors to the national economy, and the remuneration of its members is significantly discounted against public sector remuneration.

We believe that to pay members of the Auckland Council less than the amounts in this determination would be patently unfair to the incumbents. We believe that the remuneration we have set is fair in the current economic circumstances, but we also believe that a more substantial debate on the expectations put on local government members is warranted and we will be undertaking this during the next year.

The determination includes minor changes to the rules applying to members claiming mileage and travel payments.

## **Reprints notes**

### **1    *General***

This is a reprint of the Local Government Elected Members (2016/17) (Auckland Council and Local Boards) Determination 2016 that incorporates all the amendments to that determination as at the date of the last amendment to it.

### **2    *Legal status***

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### **3    *Editorial and format changes***

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### **4    *Amendments incorporated in this reprint***

Local Government Members (2017/18) (Local Authorities) Determination 2017 (LI 2017/167): clause 15(a)

Local Government Elected Members (2016/17) (Auckland Council and Local Boards) Determination 2016 (LI 2016/138): clause 3