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Local Government (Auckland Council) Act 2009

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Ministry for Cities, Environment, Regions, and Transport.

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1 Title

This Act is the Local Government (Auckland Council) Act 2009.

2 Commencement

(1) Part 2 comes into force on 1 November 2010.

(2) The rest of this Act comes into force on the day after the date on which it receives the Royal assent.

Section 2(1): amended, on 15 June 2010, by section 5 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

Part 1
Preliminary provisions

3 Purpose

The purpose of this Act is—

(a) to establish the Auckland Council as a unitary authority for Auckland; and

(b) to set out the matters in relation to the Council's structure and functions, duties, and powers that differ from the general provisions applying to local authorities under the Local Government Act 2002 and certain other enactments; and

(c) to provide the Local Government Commission with the necessary functions and powers to determine certain matters in relation to the Council; and

(d) to establish arrangements for the management of transport and water supply and wastewater services for Auckland; and

(e) to require the Auckland Council to adopt a spatial plan for Auckland; and

(e) *[Repealed]*

(f) to establish arrangements to promote issues of significance for mana whenua groups and mataawaka for Tamaki Makaurau; and

(g) to set out requirements relating to substantive council-controlled organisations.

Section 3: substituted, on 15 June 2010, by section 6 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

Section 3(e): inserted, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 3(e): repealed, on 24 August 2023, by section 75 of the Spatial Planning Act 2023 (2023 No 47).

4 Interpretation

(1) In this Act, unless the context requires another meaning,—

accessible format means a copy of a document in an alternative form that gives persons who have a print disability access to the document

Auckland means the area within the boundaries determined by the Local Government Commission under section 33(1) (as that determination is given effect to by Order in Council under section 35(1))

Auckland Council or **Council** means the unitary authority established under section 6

Auckland water organisation means Watercare Services Limited, and includes any subsidiary of Watercare Services Limited

governing body means the entity comprising the members of the Auckland Council (being the persons referred to in section 8(1))

local activities means the non-regulatory activities of the Auckland Council in respect of which a local board is allocated decision-making responsibility under section 17, including—

(a) providing services; and

(b) providing and operating facilities; and

(c) providing funding and other support to groups and organisations

local board means a local board established under section 10

local board agreement means an agreement referred to in section 21

local board area means an area specified by Order in Council under section 35 as a local board area

local board plan means the plan referred to in section 20 that each local board is required to adopt

Local Government Commission means the Local Government Commission continued under section 28 of the Local Government Act 2002

LTP means the Auckland Council long-term plan

mana whenua group means an iwi or hapu that—

(a) exercises historical and continuing mana whenua in an area wholly or partly located in Auckland; and

(b) is 1 or more of the following in Auckland:

(i) a mandated iwi organisation under the Maori Fisheries Act 2004:

(ii) a body that has been the subject of a settlement of Treaty of Waitangi claims:

(iii) a body that has been confirmed by the Crown as holding a mandate for the purposes of negotiating Treaty of Waitangi claims and that is currently negotiating with the Crown over the claims

mataawaka means Māori who—

(a) live in Auckland; and

(b) are not in a mana whenua group

mayor means the mayor of Auckland

selection body means the body established by clause 2 of Schedule 2

substantive council-controlled organisation—

(a) means a council-controlled organisation that is either wholly owned or wholly controlled by the Council and either—

(i) is responsible for the delivery of a significant service or activity on behalf of the Council; or

(ii) owns or manages assets with a value of more than $10 million; and

(b) includes the transport CCO

transport CCO means the entity continued by section 43

water supply and wastewater services—

(a) includes both bulk and retail supply and services; but

(b) does not include—

(i) water supply or wastewater schemes that are independent of a water supply network or waste-water network, as the case may be, within Auckland; or

(ii) privately owned water supply or wastewater schemes; or

(iii) stormwater drainage services, except to the extent that any stormwater drainage infrastructure is also used for wastewater services under normal dry weather flow conditions—

and **water supply or wastewater services**, **water supply services**, and **wastewater services** have corresponding meanings.

(2) Unless the context requires another meaning, terms and expressions used and not defined in this Act, but defined in the Local Government Act 2002, have the same meaning as in that Act.

Section 4(1) **accessible format**: inserted, on 7 May 2026, by section 4(3) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Section 4(1) **Auckland Transport**: repealed, on 7 May 2026, by section 4(1) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Section 4(1) **Auckland water organisation**: replaced, on 1 July 2025, by section 108 of the Local Government (Water Services Preliminary Arrangements) Act 2024 (2024 No 31).

Section 4(1) **local board plan**: inserted, on 15 June 2010, by section 7 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

Section 4(1) **LTCCP**: repealed, on 27 November 2010, by section 50 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 4(1) **LTP**: inserted, on 27 November 2010, by section 50 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 4(1) **mana whenua group**: inserted, on 15 June 2010, by section 7 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

Section 4(1) **mataawaka**: inserted, on 15 June 2010, by section 7 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

Section 4(1) **selection body**: added, on 15 June 2010, by section 7 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

Section 4(1) **substantive council-controlled organisation**: added, on 15 June 2010, by section 7 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

Section 4(1) **substantive council-controlled organisation** paragraph (b): amended, on 7 May 2026, by section 4(2) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Section 4(1) **transport CCO**: inserted, on 7 May 2026, by section 4(3) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Section 4(1) **water supply and wastewater services**: added, on 15 June 2010, by section 7 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

4A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1AA have effect according to their terms.

Section 4A: inserted, on 10 May 2016, by section 4 of the Local Government (Auckland Council) Amendment Act 2016 (2016 No 19).

4B Act binds the Crown

(1) Except as provided in subsection (2), this Act does not bind the Crown.

(2) The following provisions of this Act bind the Crown:

(a) subparts 1, 2, and 4 of Part 4; and

(b) clauses 5 to 7 of Schedule 1AA.

Section 4B: inserted, on 7 May 2026, by section 5 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

5 Relationship between this Act and Local Government Act 2002, Local Government Act 1974, Local Electoral Act 2001, and Land Transport Management Act 2003

If there is any inconsistency between this Act and the Local Government Act 2002, the Local Government Act 1974, the Local Electoral Act 2001, the Land Transport Management Act 2003, or any regulations made under those Acts, this Act prevails.

Section 5 heading: amended, on 15 June 2010, by section 8(1) of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

Section 5: amended, on 15 June 2010, by section 8(2) of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

Part 2
Auckland Council

Auckland Council established as unitary authority

6 Auckland Council established

(1) This section establishes a territorial authority for Auckland to be known as the Auckland Council.

(2) The Auckland Council has, in relation to Auckland, the responsibilities, duties, and powers of a regional council.

(3) *[Repealed]*

(4) *[Repealed]*

Section 6(3): repealed, on 1 November 2010, by section 9 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

Section 6(4): repealed, on 1 November 2010, by section 9 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

7 Decision-making of Council shared between governing body and local boards

(1) Despite section 41 of the Local Government Act 2002, for the purposes of carrying out its functions, responsibilities, and duties and exercising its powers as a territorial authority and a regional council,—

(a) the Auckland Council has a two-tier governance structure comprising the governing body and the local boards; and

(b) the decision-making responsibilities of the Auckland Council are shared between the governing body and the local boards in accordance with sections 14 to 23 and 47A of this Act.

(2) A governance statement prepared by the Council for the purposes of section 40 of the Local Government Act 2002 must include a description and explanation of the matters referred to in subsection (1) of this section.

Section 7(1)(b): amended, on 7 May 2026, by section 6 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Section 7(2): added, on 1 November 2010, by section 10 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

Governing body

8 Governing body of Auckland Council

(1) The governing body of the Auckland Council must comprise—

(a) a mayor elected in accordance with the Local Electoral Act 2001; and

(b) no fewer than 5 other members and no more than 29 other members elected in accordance with the Local Electoral Act 2001.

(2) The mayor must be elected by the electors of Auckland as a whole.

Section 8(1): replaced, on 31 August 2023, by section 52 of the Local Government Electoral Legislation Act 2023 (2023 No 57).

9 Mayor of Auckland

(1) The role of the mayor is to—

(a) articulate and promote a vision for Auckland; and

(b) provide leadership for the purpose of achieving objectives that will contribute to that vision.

(2) Without limiting subsection (1), it is the role of the mayor to—

(a) lead the development of Council plans (including the LTP and the annual plan), policies, and budgets for consideration by the governing body; and

(b) ensure there is effective engagement between the Auckland Council and the people of Auckland, including those too young to vote.

(3) For the purposes of subsections (1) and (2), the mayor has the following powers:

(a) to establish processes and mechanisms for the Auckland Council to engage with the people of Auckland, whether generally or particularly (for example, the people of a cultural, ethnic, geographic, or other community of interest):

(b) to appoint the deputy mayor:

(c) to establish committees of the governing body:

(d) to appoint the chairperson of each committee of the governing body and, for that purpose, the mayor—

(i) may make the appointment before the other members of the committee are determined; and

(ii) may appoint himself or herself:

(e) to establish and maintain an appropriately staffed office of the mayor.

(4) The mayor must exercise the power in subsection (3)(e)—

(a) in consultation with, and acting through, the Council's chief executive; and

(b) within the budget in the annual plan adopted for that particular expenditure (being an amount not less than 0.2% of the Council's total budgeted operating expenditure for that year).

(5) The mayor must not delegate any of his or her powers under subsection (3).

(6) The mayor is a member of each committee of the governing body.

(7) To avoid doubt,—

(a) clause 17(1) of Schedule 7 of the Local Government Act 2002 does not apply to the election of the deputy mayor of the Auckland Council (unless the mayor declines to exercise the power under subsection (3)(b) of this section); and

(b) clause 25 of Schedule 7 of the Local Government Act 2002 does not apply to the election of the chairperson of a committee of a governing body, if the mayor exercises the power in subsection (3)(d) of this section in respect of that committee; and

(c) clause 30 of Schedule 7 of the Local Government Act 2002 applies to the Auckland Council, except to the extent that the mayor exercises the power in subsection (3)(c) of this section.

Section 9(2)(a): amended, on 27 November 2010, by section 50 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 9(2)(b): amended, on 1 November 2010, by section 11(1) of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

Section 9(7)(a): amended, on 1 November 2010, by section 11(2) of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

Local boards

10 Local boards

A local board must be established for each local board area for the purposes of—

(a) enabling democratic decision making by, and on behalf of, communities within the local board area; and

(b) better enabling the purpose of local government to be given effect to within the local board area.

Section 10(b): replaced, on 5 December 2012, by section 43 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

11 Membership of local boards

(1) The initial number of members for each local board is determined by the Local Government Commission under section 34(1)(c).

(1A) The number of members for each local board may be altered in either of the following ways, but must at all times be no fewer than 5 and no more than 12 members:

(a) as a consequence of a review carried out by the Council under the Local Electoral Act 2001:

(b) as part of a local government reorganisation under the Local Government Act 2002.

(2) Members of a local board—

(a) must be elected in accordance with this Act and the Local Electoral Act 2001; and

(b) must elect a chairperson from among themselves using one of the systems of voting set out in clause 25(3) and (4) of Schedule 7 of the Local Government Act 2002.

(3) *[Repealed]*

(4) *[Repealed]*

(5) *[Repealed]*

(6) *[Repealed]*

Section 11(1): amended, on 1 November 2010, by section 12(1) of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

Section 11(1A): inserted, on 1 November 2010, by section 12(2) of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

Section 11(1A)(a): amended, on 8 August 2014, by section 77 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 11(1A)(b): amended, on 8 August 2014, by section 77 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 11(1A)(b): amended, on 5 December 2012, by section 43 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Section 11(2): substituted, on 1 November 2010, by section 12(3) of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

Section 11(2)(a): amended, on 10 May 2016, by section 5 of the Local Government (Auckland Council) Amendment Act 2016 (2016 No 19).

Section 11(3): repealed, on 8 August 2014, by section 77 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 11(4): repealed, on 8 August 2014, by section 77 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 11(5): repealed, on 8 August 2014, by section 77 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 11(6): repealed, on 8 August 2014, by section 77 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

11AA Prohibition on membership of more than 1 local board

No person may be a member of more than 1 local board at the same time.

Section 11AA: inserted, on 10 May 2016, by section 6 of the Local Government (Auckland Council) Amendment Act 2016 (2016 No 19).

11AAB Nominations for more than 1 local board

(1) This section applies if the electoral officer has accepted a candidate's nomination for election to a local board.

(2) The electoral officer must not accept a nomination of that candidate for election to another local board unless that candidate has complied with the provisions of subsection (3).

(3) The candidate must, by written notice to the electoral officer,—

(a) specify all local boards to which he or she is seeking election; and

(b) for the purposes of section 11AAC(2), rank each local board specified under paragraph (a) in order of the priority that will apply if the candidate is declared to be elected to more than 1 local board (the **rankings**).

(4) If subsection (3) applies, the candidate must—

(a) submit a candidate profile statement for each local board election; and

(b) state in each candidate profile statement the rankings he or she had made under subsection (3).

(5) The information required under subsection (4)(b) does not count for the purposes of the word limit under section 61(2)(a) of the Local Electoral Act 2001.

(6) In this section, **candidate profile statement** means a statement made in accordance with section 61 of the Local Electoral Act 2001.

Section 11AAB: inserted, on 10 May 2016, by section 6 of the Local Government (Auckland Council) Amendment Act 2016 (2016 No 19).

11AAC What happens if a person is elected to more than 1 local board

(1) This section applies if—

(a) section 11AAB(3) applies; and

(b) a person is declared to be elected to more than 1 local board (and remains so elected despite any recount under section 92 of the Local Electoral Act 2001 or petition under section 93 of that Act).

(2) The person declared to be elected must be treated as having vacated office as a member of any local board that is ranked lower, in the notice given under section 11AAB(3), than another local board to which he or she is declared elected.

(3) Sections 88B to 88E of the Local Electoral Act 2001 apply, with any necessary modifications, to any office treated as vacated under subsection (2) as if that office were treated as vacated under section 88A(2) of that Act.

Compare: 2001 No 35 s 88A

Section 11AAC: inserted, on 10 May 2016, by section 6 of the Local Government (Auckland Council) Amendment Act 2016 (2016 No 19).

11AAD Prohibition on candidacy for local board

(1) No member of a local board (**LB1**) may be a candidate for election as a member of another local board (**LB2**).

(2) Subsection (1) does not apply if a general election of members of LB1 is to be held at the same time as an election of members of LB2.

Compare: 2001 No 35 s 58AA

Section 11AAD: inserted, on 10 May 2016, by section 6 of the Local Government (Auckland Council) Amendment Act 2016 (2016 No 19).

11A Indemnification and liability of local board members

(1) Sections 43, 46, and 47 of the Local Government Act 2002 apply to a member of a local board, with any necessary modifications, as if the member were a member of the Auckland Council.

(2) However, a member of a local board can be liable under section 46 or 47 of that Act only in respect of a matter that is the responsibility of the member's local board.

Section 11A: inserted, on 1 November 2010, by section 13 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

12 Status of local boards

(1) A local board is an unincorporated body.

(2) A local board is not a local authority, a community board, or a committee of the governing body.

(3) A local board does not have separate legal standing from the Auckland Council and therefore, without limitation, may not—

(a) acquire, hold, or dispose of property; or

(b) enter into contracts; or

(c) appoint, suspend, or remove employees; or

(d) commence, or be a party to, or be heard in legal proceedings.

(4) Nothing in this section limits—

(a) the responsibility of a local board to make the decisions of the Auckland Council that are allocated to it in accordance with section 16:

(b) the ability of a local board to exercise a power, or perform a function or responsibility, that is conferred on it under sections 47A to 47D.

Section 12(3): replaced, on 8 August 2014, by section 77 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 12(4): replaced, on 7 May 2026, by section 7 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

13 Functions, duties, and powers of local boards

(1) A local board has the functions, duties, and powers conferred on a local board by or under this Act or any other enactment.

(2) Without limiting subsection (1), a local board—

(a) must exercise the responsibilities conferred on it by section 16(1); and

(b) must monitor and report on the implementation of the local board agreement for its local board area (in accordance with section 23); and

(c) must communicate with community organisations and special interest groups within its local board area; and

(d) must undertake any responsibilities or duties that are delegated to it by the governing body under section 31; and

(da) must undertake any functions and responsibilities conferred on it under sections 47A to 47D; and

(db) may exercise any of the powers conferred on it under sections 47A to 47D; and

(e) may consider and report on any matter of interest or concern to the local board, whether or not the matter is referred to it by the governing body; and

(f) may exercise any powers that are delegated to it by the governing body under section 31.

Section 13(2)(d): amended, on 7 May 2026, by section 8(1) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Section 13(2)(da): inserted, on 7 May 2026, by section 8(2) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Section 13(2)(db): inserted, on 7 May 2026, by section 8(2) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Section 13(2)(f): amended, on 7 May 2026, by section 8(3) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

13A Local boards may be subject of reorganisation proposal

[Repealed]

Section 13A: repealed, on 8 August 2014, by section 77 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Decision making

14 General scheme

(1) Subsections (1) to (4) set out the general scheme of sections 14 to 21. These are the provisions of this Act that set out how the Auckland Council, in its capacity as a local authority, makes its decisions. This section is by way of explanation only and does not limit or affect the other provisions of this Act or any other enactment.

(2) Both the governing body and the local boards are responsible and democratically accountable for the decision making of the Auckland Council. Whether responsibility for making any particular decision rests with the governing body or 1 or more or all of the local boards depends on the nature of the decision being made.

(3) Section 15 sets out the classes of decisions that the governing body must make. Section 16 sets out the classes of decisions that local boards must make. Both sections include a class of decisions in respect of non-regulatory activities of the Council. The governing body allocates responsibility for any particular decision in this class of decisions to either itself or the local boards by applying the principles set out in section 17. The results of the allocation must then be set out in the LTP and annual plans of the Council so that the people of Auckland, and any other persons, can easily determine whether the governing body or a local board is responsible for any particular decision of the Council.

(4) To determine local wishes and priorities in relation to the non-regulatory activities for which a local board is allocated responsibility, the board must consult its communities. The local board does this by preparing a local board plan under section 20. This plan is used as a basis for the board to develop an annual local board agreement with the governing body under section 21 in which the nature, levels, and funding of the activities are set out.

(5) *See also* section 47A, which sets out the division of powers, functions, and responsibilities between the governing body and local boards regarding transport matters specifically dealt with in subpart 4 of Part 4.

Section 14(1): amended, on 7 May 2026, by section 9(1) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Section 14(2): amended, on 8 August 2014, by section 77 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 14(3): amended, on 27 November 2010, by section 50 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 14(5): amended, on 7 May 2026, by section 9(2) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

15 Decision-making responsibilities of governing body

(1) The governing body is responsible and democratically accountable for—

(a) the decision making of the Auckland Council in relation to any regulatory responsibility, duty, or power conferred on, or applying to, the Council under this Act or any other enactment (for example, the responsibilities, duties, or powers conferred on, or applying to, a local authority under the Resource Management Act 1991, the Health Act 1956, the Building Act 2004, and the Emergency Management Act 2026), subject to sections 47A to 47D; and

(b) the decision making of the Auckland Council in relation to—

(i) transport networks and infrastructure (subject to sections 47A to 47D); and

(ii) any non-regulatory activities of the Auckland Council that are allocated to the governing body in accordance with section 17; and

(c) the decision making of the Auckland Council in relation to the establishment and maintenance of capacity to provide, or ensure the provision of, services and facilities (including local activities) by the Auckland Council; and

(ca) the decision making of the Auckland Council in relation to the governance of its council-controlled organisations; and

(cb) *[Repealed]*

(d) the decision making of the Auckland Council in relation to compliance with section 101 of the Local Government Act 2002 (which relates to the financial management of a local authority); and

(e) the agreement reached with each local board (as set out in each local board agreement) in respect of local activities for the local board areas.

(2) Before making a decision described in subsection (1)(a) to (d), the governing body must—

(a) comply with any requirements of this Act; and

(b) comply with any requirements of the Local Government Act 2002 and any other enactment; and

(c) consider any views and preferences expressed by a local board, if the decision affects or may affect the responsibilities or operation of the local board or the well-being of communities within its local board area.

Section 15(1)(a): amended, on 4 September 2026, by section 235 of the Emergency Management Act 2026 (2026 No 53).

Section 15(1)(a): amended, on 7 May 2026, by section 10(1) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Section 15(1)(a): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 15(1)(b): replaced, on 8 August 2014, by section 77 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 15(1)(b)(i): amended, on 7 May 2026, by section 10(2) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Section 15(1)(ca): inserted, on 1 November 2010, by section 16 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

Section 15(1)(cb): repealed, on 13 June 2013, by section 72 of the Land Transport Management Amendment Act 2013 (2013 No 35).

16 Decision-making responsibilities of local boards

(1) Each local board is responsible and democratically accountable for—

(a) the decision making of the Auckland Council in relation to the non-regulatory activities of the Auckland Council that are allocated to the local board in accordance with section 17; and

(b) identifying and communicating the interests and preferences of the people in its local board area in relation to the content of the strategies, policies, plans, and bylaws of the Auckland Council; and

(c) identifying and developing bylaws specifically for its local board area, and proposing them to the governing body under section 150B of the Local Government Act 2002; and

(d) the agreement reached with the governing body (as set out in the local board agreement) in respect of local activities for its local board area; and

(e) the decision making of the Auckland Council in relation to the matters conferred on local boards under sections 47A to 47D.

(2) In carrying out the responsibilities described in this section, a local board must comply with the requirements of sections 76 to 82 of the Local Government Act 2002 as if every reference in those sections to a local authority were a reference to a local board.

(3) In carrying out the responsibilities described in this section, a local board should collaborate and co-operate with 1 or more other local boards in the situations where the interests and preferences of communities within each local board area will be better served by doing so.

Section 16(1)(c): amended, on 6 June 2026, by section 155 of the Regulatory Systems (Internal Affairs) Amendment Act 2026 (2026 No 26).

Section 16(1)(e): inserted, on 7 May 2026, by section 11 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Section 16(3): added, on 1 November 2010, by section 17 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

17 Principles for allocation of decision-making responsibilities of Auckland Council

(1) Decision-making responsibility for any non-regulatory activity of the Auckland Council must be allocated by the governing body—

(a) to either the governing body or the local boards; and

(b) in accordance with the principles set out in subsection (2); and

(c) after considering the views and preferences expressed by each local board.

(2) The principles are—

(a) decision-making responsibility for a non-regulatory activity of the Auckland Council should be exercised by its local boards unless paragraph (b) applies:

(b) decision-making responsibility for a non-regulatory activity of the Auckland Council should be exercised by its governing body if the nature of the activity is such that decision making on an Auckland-wide basis will better promote the well-being of the communities across Auckland because—

(i) the impact of the decision will extend beyond a single local board area; or

(ii) effective decision making will require alignment or integration with other decisions that are the responsibility of the governing body; or

(iii) the benefits of a consistent or co-ordinated approach across Auckland will outweigh the benefits of reflecting the diverse needs and preferences of the communities within each local board area.

Identification of local activities and allocation of funding

Heading: inserted, on 1 November 2010, by section 18 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

18 Local activities must be identified in LTP and annual plan

[Repealed]

Section 18: repealed, on 8 August 2014, by section 77 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

19 Local boards funding policy

(1) To provide predictability and certainty about levels of funding for local boards, the Auckland Council must adopt a local boards funding policy as part of its long-term plan.

(2) The local boards funding policy must set—

(a) the formula by which the total funds allocated by the Council for meeting the cost of funding local activities are to be allocated to each local board; and

(b) the formula by which the total funds allocated by the Council for meeting the cost of funding the administrative support to local boards are to be allocated to each local board.

(3) The local boards funding policy must also identify any funding (except funding dedicated to particular purposes) that may be available to local boards for local activities and the criteria or process by which it may be allocated to them.

(4) The formula referred to in subsection (2)(a) must allocate funds between the local boards in a way that provides an equitable capacity for the local boards to enhance the well-being of the communities in each of their local board areas, having regard to the following factors:

(a) the level of dependence on local government services and facilities in each local board area (as informed by the socio-economic, population, age profile, and other demographic characteristics of each local board area); and

(b) the costs of achieving and maintaining the identified levels of service provision for local activities in each local board area; and

(c) the rates revenue and any other revenue derived from each local board area in relation to local activities; and

(d) any other factor identified by the Auckland Council as significantly affecting the nature and level of services needed in each local board area (for example, the geographic isolation of a particular local board area).

(5) The formula referred to in subsection (2)(b) must allocate funds between the local boards in a way that provides equitable resources and support to each local board, having regard to the following factors:

(a) the number of elected members on each local board; and

(b) the size of each local board area; and

(c) any other factor identified by the Auckland Council as significantly affecting the operational costs of each local board; and

(d) the funding amount allocated to each local board under subsection (4).

(6) For the purposes of adopting a funding policy under subsection (1), section 102 of the Local Government Act 2002 applies with any necessary modifications.

(6A) If the Auckland Council amends its local board's funding policy under section 93(4) of the Local Government Act 2002, only a significant amendment to the policy is required to be audited in accordance with sections 93D(4) and 94(1) of that Act.

(7) The Auckland Council must adopt its first policy under this section no later than the date that the LTP for the period commencing 1 July 2012 is adopted.

Section 19(1): amended, on 27 November 2010, by section 50 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 19(6): replaced, on 8 August 2014, by section 77 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 19(6A): inserted, on 27 November 2010, by section 50 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 19(6A): amended, on 8 August 2014, by section 77 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 19(7): amended, on 27 November 2010, by section 50 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

19A Estimated local board funding allocation must be included in LTP and annual plan

[Repealed]

Section 19A: repealed, on 8 August 2014, by section 77 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Local board plans and agreements

20 Local board plans

(1) Each local board must adopt a local board plan—

(a) no later than 31 October in the year immediately after the year of each triennial general election; and

(b) using the special consultative procedure.

(2) The purpose of a local board plan is—

(a) to reflect the priorities and preferences of the communities within the local board area in respect of the level and nature of local activities to be provided by the Auckland Council over the next 3 years; and

(b) to identify and describe the interests and preferences of the people within the local board area for the purposes of enabling the local board to communicate those interests and preferences for the purposes of section 16(1)(b); and

(c) to provide a basis for developing the local board agreement for each of the next 3 years; and

(d) to inform the development of the next LTP, particularly in relation to the identification of the non-regulatory activities of the Council for which decision-making responsibility should be allocated to the local board; and

(e) to provide a basis for accountability of the local board to the communities in the local board area; and

(f) to provide an opportunity for people to participate in decision-making processes on the nature and level of local activities to be provided by the Council within the local board area.

(3) A local board plan must include—

(a) a statement of the default levels of service for local activities; and

(b) an explanation of each variation from the default levels of services proposed for the local board area, if any; and

(c) an estimate of the additional cost or the saving associated with each variation, if any; and

(d) an indicative local board budget, incorporating the estimates referred to in paragraph (c), that either—

(i) does not exceed the estimated funding allocation referred to in subsection (4)(b)(iii); or

(ii) exceeds the estimated funding allocation referred to in subsection (4)(b)(iii), but identifies how the expenses in excess of that allocation are proposed to be met from 1 or more local revenue sources.

(4) For the purposes of adopting a plan under subsection (1), section 83 of the Local Government Act 2002 applies as if—

(a) the local board were a local authority and the local board area were the district of the local authority; and

(b) the statement of proposal referred to in subsection (1)(a) of that section required the inclusion of—

(i) the information that is required by clauses 4 and 5 of Schedule 10 of that Act to be included in the LTP—

(A) in relation to local activities; and

(B) for the following year; and

(ii) a description of any variation from the default levels of service provided for in the local board agreement for the current year; and

(iii) the estimated funding allocation for the local board for the following year included in the LTP under section 19A; and

(iv) the draft local board plan.

(5) In this section,—

default levels of service means the levels of service provision for local activities across Auckland that are—

(a) funded in each local board funding allocation; and

(b) specified in the LTP (in accordance with clause 4 of Schedule 10 of the Local Government Act 2002).

following year means the year commencing on the next 1 July.

(6) In subsection (3)(d)(ii), **local revenue source** includes—

(a) a targeted rate for all or part of the local board area; and

(b) a fee or charge relating to a local activity; and

(c) any other revenue connected with a local activity.

Section 20(1)(a): amended, on 1 November 2010, by section 21(1) of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

Section 20(2)(d): amended, on 27 November 2010, by section 50 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 20(3): substituted, on 1 November 2010, by section 21(2) of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

Section 20(4)(b)(i): amended, on 27 November 2010, by section 50 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 20(4)(b)(ii): amended, on 1 November 2010, by section 21(3) of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

Section 20(4)(b)(iii): substituted, on 1 November 2010, by section 21(4) of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

Section 20(4)(b)(iii): amended, on 27 November 2010, by section 50 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 20(5) **default levels of service**: substituted, on 27 November 2010, by section 50 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 20(5) **standard levels of service**: repealed, on 1 November 2010, by section 21(5) of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

Section 20(6): added, on 1 November 2010, by section 21(6) of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

21 Local board agreements

(1) For each financial year, the Auckland Council must have a local board agreement (as agreed between the governing body and the local board) for each local board area.

(2) A local board agreement must set out how the Auckland Council will, in the year to which the agreement relates, reflect the priorities and preferences in the local board's plan in respect of—

(a) the local activities to be provided in the local board area:

(b) the responsibilities, duties, or powers delegated to the local board by the governing body under clause 36C of Schedule 7 of the Local Government Act 2002:

(c) the implementation or enforcement of bylaws made by the Council as a result of a proposal from the local board.

(3) A local board agreement is not required to reflect the priorities and preferences in its local board plan in respect of the matters referred to in subsection (2) to the extent that 1 or more of the following apply:

(a) the local board determines that the priorities and preferences in the plan no longer reflect the priorities and preferences of the communities in the local board area; or

(b) the governing body determines that the indicative budget in the plan is, or has become, significantly inaccurate; or

(c) consistency with the plan would be contrary to any enactment.

(4) A local board agreement must not be inconsistent with the adopted strategies, plans, policies, and objectives of the governing body.

(5) For the purposes of subsection (2)(a), a local board agreement must, in respect of the local activities to be provided in the local board area in the year to which the agreement relates, include—

(a) a statement of the intended levels of service provision that specifies—

(i) any performance measures specified in a rule made under section 261B of the Local Government Act 2002; and

(ii) the performance measures that the Auckland Council considers will enable the public to assess the level of service for major aspects of an activity for which performance measures have not been specified under subparagraph (i); and

(iii) the performance target or targets set by the Auckland Council for each performance measure; and

(iv) any intended changes to the level of service that was provided in the year before the year to which the agreement relates and the reasons for the change; and

(b) a funding impact statement in the form prescribed under the Local Government Act 2002 for inclusion in an annual plan under clause 20(2) of Schedule 10; and

(c) a statement of how any expenses in excess of the local board's estimated funding allocation under section 19A of this Act are to be met (including estimated revenue levels and the other sources of funding).

Section 21: substituted, on 1 November 2010, by section 22 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

Section 21(2)(b): amended, on 8 August 2014, by section 77 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 21(5): substituted, on 27 November 2010, by section 50 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 21(5)(a)(i): amended, on 19 September 2026, by section 49 of the Local Government (System Improvements) Amendment Act 2026 (2026 No 64).

Section 21(5)(a)(ii): amended, on 8 August 2014, by section 77 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

22 Local board agreements must be included in LTP and annual plan

(1) For the purposes of consulting on each local board agreement to be included in the LTP, the consultation document adopted under section 93A(1)(a) of the Local Government Act 2002 must include content relating to each agreement.

(2) For the purposes of consulting on each local board agreement to be included in an annual plan, the consultation document adopted under section 82A(3) of the Local Government Act 2002 must include content relating to each agreement.

(3) *[Repealed]*

(4) *[Repealed]*

Section 22 heading: amended, on 27 November 2010, by section 50 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 22 heading: amended, on 1 November 2010, by section 23(1) of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

Section 22(1): replaced, on 8 August 2014, by section 77 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 22(2): replaced, on 8 August 2014, by section 77 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 22(3): repealed, on 8 August 2014, by section 77 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 22(4): repealed, on 1 November 2010, by section 23(2) of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

23 Monitoring and reporting

(1) Each local board must monitor the implementation of the local board agreement for its local board area.

(2) *[Repealed]*

(3) *[Repealed]*

Section 23(2): repealed, on 8 August 2014, by section 77 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 23(3): repealed, on 8 August 2014, by section 77 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Bylaws

[Repealed]

Heading: repealed, on 8 August 2014, by section 77 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

24 Local board may propose bylaw

[Repealed]

Section 24: repealed, on 8 August 2014, by section 77 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

25 Local board must consult on proposed bylaw

[Repealed]

Section 25: repealed, on 8 August 2014, by section 77 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

26 Local board may propose amendment to bylaw

[Repealed]

Section 26: repealed, on 8 August 2014, by section 77 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

27 Local board may propose revocation of bylaw

[Repealed]

Section 27: repealed, on 8 August 2014, by section 77 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

28 Joint bylaw proposals

[Repealed]

Section 28: repealed, on 8 August 2014, by section 77 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Miscellaneous matters relating to local boards and their members

Heading: amended, on 1 November 2010, by section 26 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

29 Application of Schedule 7 of Local Government Act 2002 to local boards and their members

(1) Part 1A of Schedule 7 of the Local Government Act 2002 applies to a local board and its members.

(2) Part 1 of Schedule 7 (excluding clauses 32AA to 36A) of the Local Government Act 2002 applies to a local board and its members, with any necessary modifications, as if the local board were a local authority and its members were members of the local authority.

Section 29 heading: amended, on 1 November 2010, by section 27(1) of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

Section 29(1): replaced, on 8 August 2014, by section 77 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 29(2): replaced, on 8 August 2014, by section 77 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 29(2): amended, on 19 September 2026, by section 50 of the Local Government (System Improvements) Amendment Act 2026 (2026 No 64).

30 Code of conduct

[Repealed]

Section 30: repealed, on 8 August 2014, by section 77 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

31 Delegations to local boards from governing body

[Repealed]

Section 31: repealed, on 8 August 2014, by section 77 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

31A Delegations by local boards

[Repealed]

Section 31A: repealed, on 8 August 2014, by section 77 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

32 Chief executive responsible for certain matters in relation to local boards

[Repealed]

Section 32: repealed, on 8 August 2014, by section 77 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

32A Powers of Minister in relation to local board

[Repealed]

Section 32A: repealed, on 8 August 2014, by section 77 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

32B Application of certain Acts to local boards

[Repealed]

Section 32B: repealed, on 8 August 2014, by section 77 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Part 3
Transitional arrangements

[Repealed]

Part 3: repealed, on 5 December 2012, by section 43 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Subpart 1—Local Government Commission

[Repealed]

Subpart 1: repealed, on 5 December 2012, by section 43 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

33 Local Government Commission to determine boundaries of Auckland

[Repealed]

Section 33: repealed, on 5 December 2012, by section 43 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

34 Local Government Commission to determine local board areas and wards

[Repealed]

Section 34: repealed, on 5 December 2012, by section 43 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

35 Order in Council to give effect to determinations

[Repealed]

Section 35: repealed, on 5 December 2012, by section 43 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

35A Local Government (Auckland Wards and Local Boards) Determination 2010 amended

[Repealed]

Section 35A: repealed, on 5 December 2012, by section 43 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Subpart 2—Consequential amendments

[Repealed]

Subpart 2: repealed, on 5 December 2012, by section 43 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

36 Amendment to Local Government Act 2002

[Repealed]

Section 36: repealed, on 5 December 2012, by section 43 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Part 4
Transport management for Auckland

Part 4: substituted, on 1 November 2010, by section 31 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

37 Interpretation

(1) In this Part, unless the context requires another meaning,—

arterial road means a road that is classified as an arterial road under section 48(2)(a)

Auckland Regional Transport Committee or **ARTC** means the Auckland Regional Transport Committee established by section 38

Auckland Roading Classification Framework or **Roading Framework** means the framework set out in section 48

city centre road means a road that is classified as a city centre road under section 48(2)(d)

collector road means a road that is classified as a collector road under section 48(2)(c)

director includes the chairperson and the deputy chairperson of the board of directors of the transport CCO

Eden Park precinct road means a road that is classified as an Eden Park precinct road under section 48(2)(e)

fees framework means the fees framework as defined in section 10(1) of the Crown Entities Act 2004

local road means a road that is classified as a local road under section 48(2)(b)

mayoral appointees means the members appointed to the ARTC by the mayor under section 38D(c)

ministerial appointees means the members appointed to the ARTC by the Minister of Transport under section 38D(b)

natural person act has the meaning set out in section 24 of the Crown Entities Act 2004

New Zealand Transport Agency means the Crown entity established by section 93 of the Land Transport Management Act 2003

non-voting members means the members appointed to the ARTC by the New Zealand Transport Agency, KiwiRail, or the transport CCO under section 38D(d), (e), or (f)

permanent advisors means the persons made the permanent advisors to the ARTC by section 41A

residual road means a road that is classified as a residual road under section 48(2)(f).

(2) In this Part, unless the context requires another meaning, **KiwiRail**, **land transport**, **public transport service**, **regional land transport plan**, **regional public transport plan**, **Secretary**, and **State highway** have the same meanings as in section 5(1) of the Land Transport Management Act 2003.

Section 37: substituted, on 1 November 2010, by section 31 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

Section 37(1) **arterial road**: inserted, on 7 May 2026, by section 12(1) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Section 37(1) **Auckland Regional Transport Committee** or **ARTC**: inserted, on 7 May 2026, by section 12(1) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Section 37(1) **Auckland Roading Classification Framework** or **Roading Framework**: inserted, on 7 May 2026, by section 12(1) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Section 37(1) **Auckland transport system**: repealed, on 7 May 2026, by section 12(2) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Section 37(1) **city centre road**: inserted, on 7 May 2026, by section 12(1) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Section 37(1) **collector road**: inserted, on 7 May 2026, by section 12(1) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Section 37(1) **director**: amended, on 7 May 2026, by section 12(3) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Section 37(1) **Director of Land Transport**: repealed, on 7 May 2026, by section 12(2) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Section 37(1) **Eden Park precinct road**: inserted, on 7 May 2026, by section 12(1) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Section 37(1) **fees framework**: inserted, on 7 May 2026, by section 12(1) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Section 37(1) **local road**: inserted, on 7 May 2026, by section 12(1) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Section 37(1) **mayoral appointees**: inserted, on 7 May 2026, by section 12(1) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Section 37(1) **ministerial appointees**: inserted, on 7 May 2026, by section 12(1) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Section 37(1) **natural person act**: inserted, on 7 May 2026, by section 12(1) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Section 37(1) **New Zealand Railways Corporation**: repealed, on 7 May 2026, by section 12(2) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Section 37(1) **non-voting members**: inserted, on 7 May 2026, by section 12(1) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Section 37(1) **permanent advisors**: inserted, on 7 May 2026, by section 12(1) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Section 37(1) **residual road**: inserted, on 7 May 2026, by section 12(1) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Section 37(2): amended, on 7 May 2026, by section 12(4) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Section 37(2): amended, on 7 May 2026, by section 12(5) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Section 37(2): amended, on 13 June 2013, by section 72 of the Land Transport Management Amendment Act 2013 (2013 No 35).

Subpart 1—Auckland Regional Transport Committee

Subpart 1: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Functions and membership of ARTC

Heading: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

38 Auckland Regional Transport Committee

(1) This section establishes the Auckland Regional Transport Committee.

(2) The purpose of the ARTC is to develop and maintain a long-term direction for land transport in Auckland that is shared by Auckland Council and the Government, so that there will be—

(a) streamlined and co-ordinated planning; and

(b) optimisation of the Crown's and Auckland Council's resources; and

(c) transparent transport decision making.

Section 38: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Auckland Transport

[Repealed]

Heading: repealed, on 7 May 2026, by section 13 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

38 Establishment of Auckland Transport

[Repealed]

Section 38: repealed, on 7 May 2026, by section 13 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

38A Functions of ARTC

The functions of the ARTC are to—

(a) prepare the 30-year transport plan under section 42; and

(b) monitor the delivery of the 30-year transport plan; and

(c) prepare the regional land transport plan for Auckland in accordance with the Land Transport Management Act 2003; and

(d) undertake any other transport responsibilities, duties, functions, or powers that the Auckland Council may delegate to it under section 38B; and

(e) undertake any other transport functions prescribed by regulations made under section 38C.

Section 38A: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

38B Delegation to ARTC

(1) Auckland Council may delegate to the ARTC any of its responsibilities, duties, functions, or powers that relate to land transport in Auckland.

(2) Before delegating a responsibility, duty, function, or power under subsection (1), Auckland Council must consult the Minister of Transport.

(3) A delegation does not prevent Auckland Council from performing any responsibility, duty, or function, or exercising any power, or affect Auckland Council's responsibility for the actions of the ARTC under the delegation.

Section 38B: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

38C Regulations prescribing ARTC functions

(1) The Governor-General may, by Order in Council, in accordance with a recommendation of the Minister of Transport, make regulations that prescribe transport functions that the ARTC must perform (in addition to the functions set out in section 38A(a) to (d)).

(2) Before making a recommendation under subsection (1), the Minister of Transport must consult the mayor.

(3) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 38C: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

38D Membership of ARTC

The ARTC comprises the following members:

(a) a chairperson:

(b) up to 3 members appointed by the Minister of Transport:

(c) up to 3 members appointed by the mayor (who must be members of the governing body and may include the mayor):

(d) 1 non-voting member appointed by and to represent the New Zealand Transport Agency (who must hold an identified office or position within the New Zealand Transport Agency):

(e) 1 non-voting member appointed by and to represent KiwiRail (who must hold an identified office or position within KiwiRail):

(f) 1 non-voting member appointed by and to represent the transport CCO (who must hold an identified office or position within the transport CCO).

Section 38D: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

38E Appointment of chairperson

(1) The chairperson of the ARTC is jointly appointed by—

(a) the mayor (who must have consulted the governing body); and

(b) the Minister of Transport.

(2) When appointing the chairperson, sections 28 to 31 of the Crown Entities Act 2004 apply—

(a) as if a reference to the responsible Minister were a reference to the Minister and the mayor; and

(b) with any necessary modifications.

(3) Despite subsection (2),—

(a) the Minister must comply with section 28(4) of that Act:

(b) section 31(2) of that Act does not apply.

Section 38E: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

38F Appointment of members by Minister of Transport or mayor

(1) When appointing the ministerial appointees, sections 28 to 31 of the Crown Entities Act 2004 apply—

(a) as if a reference to the responsible Minister were a reference to the Minister of Transport; and

(b) with any necessary modifications.

(2) Despite subsection (1), section 31(2) of that Act does not apply.

(3) The following requirements apply to the appointment of the mayoral appointees:

(a) the mayor must consult the governing body before making an appointment:

(b) an appointment must be made by written notice to the appointee (with a copy to the ARTC) stating—

(i) the date on which the appointment takes effect, which must not be earlier than the date on which the notice is received; and

(ii) the term of the appointment:

(c) the mayor must ensure that the following are notified in the *Gazette* as soon as is reasonably practicable after an appointment is made:

(i) the name of the appointee; and

(ii) the date on which the appointment takes effect; and

(iii) the term of the appointment.

Section 38F: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

38G Term of office of members

(1) A member of the ARTC holds office for 3 years or for any shorter period stated in the notice of appointment.

(2) A member may be reappointed.

(3) This section is subject to sections 39 to 39B.

Section 38G: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Resignation, removal, vacation of office, remuneration, etc, of members

Heading: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

39 Resignation of members

(1) The chairperson, a ministerial appointee, or a mayoral appointee may resign from office by written notice to the mayor and the Minister of Transport (with a copy to the ARTC) signed by the member.

(2) A resignation under subsection (1) is effective on receipt of the notice by both the mayor and the Minister, or at any later time specified in the notice.

(3) A non-voting member may resign from office by giving notice to their appointing organisation in any manner required by the organisation, if any.

(4) If a non-voting member resigns under subsection (3),—

(a) the appointing organisation must advise the chairperson; and

(b) the chairperson must advise the Minister and the mayor.

Section 39: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

39 Purpose of Auckland Transport

[Repealed]

Section 39: repealed, on 7 May 2026, by section 13 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

39A Removal of members

(1) The mayor and the Minister of Transport may, jointly, at any time and entirely at their discretion, remove the chairperson of the ARTC from office.

(2) The Minister of Transport may, at any time and entirely at the Minister's discretion, remove a ministerial appointee from office.

(3) The mayor may, at any time and entirely at the mayor's discretion, remove a mayoral appointee from office.

(4) The following requirements apply to the removal of a member under subsection (1), (2), or (3):

(a) the removal must be made by written notice to the member (with a copy to the ARTC):

(b) the notice must state the date on which the removal takes effect, which must not be earlier than the date on which the notice is received:

(c) the person removing the member must notify the removal in the *Gazette* as soon as practicable after giving the notice.

(5) A non-voting member may be removed from office by their appointing organisation, and—

(a) the appointing organisation must advise the chairperson; and

(b) the chairperson must advise the Minister and the mayor.

Section 39A: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

39B Vacation of office

(1) If a member of the ARTC becomes a member of Parliament, the member's appointment to the ARTC ends.

(2) If a mayoral appointee ceases to be a member of the governing body (for example, because of the operation of clause 1 of Schedule 7 of the Local Government Act 2002), the member's appointment to the ARTC ends.

Section 39B: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

39C Vacancies

(1) Subsection (2) applies if—

(a) a member's term of office expires:

(b) a member resigns:

(c) a member is removed:

(d) a member's appointment to the ARTC ends under section 39B.

(2) If this subsection applies, a vacancy exists in the ARTC until the member is reappointed or replaced.

(3) A vacancy in the ARTC does not affect the validity of any act or proceeding of the ARTC or of a subcommittee of the ARTC.

Section 39C: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

39D No compensation for loss of office

A member of the ARTC is not entitled to any compensation or other payment or benefit relating to their ceasing, for any reason, to hold office as a member.

Section 39D: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

39E Remuneration of members

(1) The chairperson of the ARTC is entitled to receive remuneration not within section 39F for services as the chairperson at a rate and of a kind jointly determined by the mayor and the Minister of Transport in accordance with the fees framework.

(2) The chairperson's remuneration must be paid by the Crown and Auckland Council in equal shares.

(3) The ministerial appointees are entitled to receive from the Crown remuneration not within section 39F for services as members at a rate and of a kind determined by the Minister of Transport in accordance with the fees framework.

(4) The mayoral appointees are entitled to receive from Auckland Council remuneration, allowances, and expenses for services as members as determined by the Remuneration Authority under clauses 6 to 9 of Schedule 7 of the Local Government Act 2002.

(5) A non-voting member is not entitled to any remuneration for services as a member of the ARTC in addition to their remuneration in respect of their office or position within their appointing organisation.

Section 39E: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

39F Expenses of members

(1) The chairperson of the ARTC is entitled, in accordance with the fees framework, to be reimbursed for their actual and reasonable travelling and other expenses incurred in carrying out their office as the chairperson.

(2) The chairperson's expenses must be paid by the Crown and Auckland Council in equal shares.

(3) The ministerial appointees are entitled, in accordance with the fees framework, to be reimbursed by the Crown for actual and reasonable travelling and other expenses incurred in carrying out their office as a member.

Section 39F: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Duties of members, conflicts of interest, and validity of appointments and acts

Heading: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

40 General duties of members

A member of the ARTC must—

(a) not contravene, or cause the contravention of, or agree to the ARTC contravening, this Act or any other enactment:

(b) when acting as a member, act with honesty and integrity:

(c) when acting as a member, act in good faith and not pursue their own interests at the expense of the performance of the ARTC's functions:

(d) when acting as a member, exercise the care, diligence, and skill that a reasonable person would exercise in the same circumstances, taking into account (without limitation)—

(i) the nature of the action; and

(ii) the nature of the responsibilities undertaken by the member.

Section 40: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

40 Operating principles

[Repealed]

Section 40: repealed, on 7 May 2026, by section 13 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

40A Conflicts of interest

Schedule 3 applies to the ARTC.

Section 40A: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

40B Validity of appointments

(1) The appointment of a person as a member of the ARTC is not invalid only because a defect existed in the appointment of the person.

(2) This section does not apply to—

(a) a defect in the qualifications for appointment of a member or chairperson (for example, because they were disqualified under section 30 of the Crown Entities Act 2004 as applied by section 38F); or

(b) a mayoral appointee who was not a member of the governing body.

Section 40B: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

40C Validity of members' acts

The acts of a person as a member of the ARTC are valid even though—

(a) a defect existed in the appointment of the person; or

(b) the person is or was disqualified from being a member (for example, because they are or were disqualified under section 30 of the Crown Entities Act 2004 as applied by section 38F); or

(c) the member's appointment to the ARTC has ended (for example, because of the operation of section 39B).

Section 40C: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Meetings, decision making, and reporting

Heading: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

41 Meetings of ARTC

(1) The ARTC must hold the meetings that are necessary for it to undertake its functions and, at a minimum, must meet once every 3 months.

(2) The ARTC may, in its discretion, hold a meeting in private or in public.

(3) If a meeting is held in public, the ARTC must allow a reasonable opportunity for members of the public to speak or otherwise put forward their views.

Section 41: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

41 Status and powers of Auckland Transport

[Repealed]

Section 41: repealed, on 7 May 2026, by section 13 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

41A Permanent advisors

(1) The Council's chief executive and the Secretary are the permanent advisors to the ARTC.

(2) The permanent advisors are not members of the ARTC.

(3) The ARTC must seek and consider advice from the permanent advisors on all matters relating to the performance of its functions.

(4) This section does not prevent the ARTC from seeking advice from any other person.

Section 41A: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

41B Voting at meetings

(1) The chairperson, each ministerial appointee, and each mayoral appointee have 1 vote.

(2) In addition to a general vote, the chairperson has, in the case of an equality of votes, a casting vote.

(3) A resolution of the ARTC is passed if it is agreed to by all members who are entitled to vote and who are present, or if a majority of the votes cast on it are in favour of it.

(4) A member who is entitled to vote and who is present at a meeting of the ARTC is presumed to have agreed to, and to have voted in favour of, a resolution unless they expressly dissented from or voted against the resolution at the meeting.

Section 41B: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

41C Subcommittees

(1) The ARTC may appoint any subcommittees that it considers appropriate.

(2) A subcommittee is subject to the control of the ARTC and must carry out all general and special directions given to it by the ARTC.

(3) At least 1 member of a subcommittee must be a member of the ARTC.

(4) The ARTC may appoint to a subcommittee a person who is not a member of the ARTC if, in the opinion of the ARTC, that person has the skills, attributes, or knowledge that will assist the work of the subcommittee.

(5) The ARTC may discharge or reconstitute a subcommittee at any time.

Section 41C: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

41D Standing orders

(1) The ARTC must adopt a set of standing orders for the conduct of its meetings and those of its subcommittees.

(2) The standing orders must not contravene this Act.

(3) The ARTC or subcommittee may temporarily suspend standing orders during a meeting, and the reason for the suspension must be stated in the resolution of suspension.

(4) The adoption, suspension, amendment, or replacement of the standing orders requires a vote of not less than 75% of the members present.

Section 41D: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

41E Minutes of decisions

(1) The ARTC must keep minutes of its decisions.

(2) Minutes of decisions are prima facie evidence of those decisions.

(3) Minutes must be made available to the public in any manner and format that the ARTC considers appropriate.

(4) The ARTC may, when complying with subsection (3), withhold any information contained in the minutes if there is good reason for withholding the information under section 5 of the Official Information Act 1982.

Guidance note

The ARTC and its permanent advisors are an organisation for the purposes of section 2 of the Official Information Act 1982 because the organisation is named in Part 2 of Schedule 1 of the Ombudsmen Act 1975.

Section 41E: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

41F Reporting

The ARTC must give regular reports to the Minister of Transport and the mayor on its activities.

Section 41F: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Subpart 2—30-year transport plan for Auckland

Subpart 2: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

42 30-year transport plan for Auckland

(1) The ARTC must prepare a 30-year transport plan for Auckland.

(2) The purpose of a plan is to provide direction for the development of land transport in Auckland for the following 30 years that—

(a) aligns the priorities of the Government and Auckland Council; and

(b) sets the strategic direction for the planning and funding of, and the investment in, land transport in Auckland.

(3) A plan must promote the following objectives:

(a) productivity and economic growth:

(b) the safe and rapid movement of people and goods:

(c) efficient asset management.

(4) A plan is effective after it has been approved by—

(a) the Minister of Transport; and

(b) Auckland Council.

(5) Without limiting section 42G, Auckland Council must take the 30-year transport plan for Auckland into account when preparing any relevant plans or policies.

Section 42: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

42 Auckland Transport's status as council-controlled organisation and application of Part 5 of Local Government Act 2002

[Repealed]

Section 42: repealed, on 7 May 2026, by section 13 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

42A Publication of plan

After a 30-year transport plan for Auckland has been approved under section 42(4), it must be made available to the public in any manner and format (which must include an accessible format) that the ARTC considers appropriate to the preferences and needs of the persons who will or may be affected by, or have an interest in, the plan.

Section 42A: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

42B Preparation of plan

(1) When preparing a 30-year transport plan for Auckland, the ARTC must—

(a) seek direction from the Minister of Transport and the mayor; and

(b) establish and maintain processes to provide opportunities for Māori to contribute to the development and preparation of the plan.

(2) When preparing a plan, the ARTC must take into account—

(a) the GPS on land transport issued under section 66 of the Land Transport Management Act 2003:

(b) government strategies and policies that have implications for transport and land use:

(c) Auckland Council strategies and policies that have implications for transport and land use.

(3) In subsection (2)(b), **strategies and policies** includes a national environmental standard, a national policy statement, or a national planning standard made under Part 5 of the Resource Management Act 1991.

Section 42B: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

42C Content of plan

A 30-year transport plan for Auckland must include—

(a) the long-term strategic direction for land transport in Auckland:

(b) the results that are intended to be achieved:

(c) the policies and actions necessary to achieve the results:

(d) how progress towards achieving the results will be measured:

(e) detailed investment priorities for the first 10 years of the period covered by the plan:

(f) general investment priorities for the entire period covered by the plan:

(g) the likely sources of funding.

Section 42C: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

42D Consultation on plan

(1) The ARTC must undertake consultation in accordance with this section in relation to a 30-year transport plan for Auckland before the plan can be approved under section 42.

(2) The ARTC must follow the following consultation process:

(a) the proposed plan must be made available to the public in any manner and format (which must include an accessible format) that the ARTC considers appropriate to the preferences and needs of the persons who will or may be affected by, or have an interest in, the plan:

(b) those persons should be encouraged to present their views to the ARTC:

(c) those persons should be given clear information concerning the purpose of the consultation and the scope of the decisions to be taken following the consideration of views presented:

(d) members of the public should be given a reasonable opportunity to present their views in a manner and format that is appropriate to the preferences and needs of the persons who will or may be affected by, or have an interest in, the plan:

(e) the views presented should be received with an open mind and given due consideration, and the proposed plan should be amended if the ARTC considers it appropriate:

(f) persons who presented their views should have access to a clear record or description of the decisions made by the ARTC and explanatory material relating to those decisions, which may include, for example, reports relating to the matter that were considered before the decisions were made.

(3) The ARTC must, in addition to the consultation under subsection (2), consult Māori in relation to the proposed plan.

Section 42D: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

42E Minor or technical amendments

Sections 42B and 42D do not apply to minor or technical amendments to a 30-year transport plan for Auckland.

Section 42E: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

42F Review of plan

(1) The ARTC must, within 6 years of the completion of a 30-year transport plan for Auckland under section 42,—

(a) review the plan; and

(b) prepare a replacement plan.

(2) If the Minister of Transport and the mayor think a plan should be reviewed and replaced at an earlier time than the time specified in subsection (1), they may, by a joint written instruction, instruct the ARTC to comply with subsection (1) by the date specified in the instruction.

Section 42F: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

42G LTP must take plan into account

When preparing the LTP, Auckland Council must take the 30-year transport plan for Auckland into account.

Section 42G: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Subpart 3—Transport CCO for Auckland

Subpart 3: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Status, purpose, etc, of transport CCO

Heading: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

43 Transport CCO for Auckland continues

(1) This section continues the transport council-controlled organisation for Auckland (the **transport CCO**) that was established by section 38 of this Act as in force immediately before the commencement of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026.

(2) The transport CCO is—

(a) a body corporate with perpetual succession; and

(b) a council-controlled organisation of the Auckland Council.

(3) For the purposes of the Local Government Act 2002, Auckland Council must be treated as if it were the sole shareholder of the transport CCO.

Section 43: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Governing body of Auckland Transport

[Repealed]

Heading: repealed, on 7 May 2026, by section 13 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

43 Governing body of Auckland Transport

[Repealed]

Section 43: repealed, on 7 May 2026, by section 13 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

43A Purpose of transport CCO

The purpose of the transport CCO is to provide public transport services in Auckland that connect communities in an efficient, effective, and safe manner, and perform any of its other functions, in accordance with—

(a) this Part; and

(b) the objectives of the Auckland Council referred to in section 59(1)(a) of the Local Government Act 2002.

Section 43A: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

43B Operating principles of transport CCO

In meeting its principal objective (as a council-controlled organisation) under section 59 of the Local Government Act 2002, and in performing its functions, the transport CCO must—

(a) establish and maintain processes for Māori to contribute to its decision-making processes; and

(b) operate in a financially responsible manner and, for this purpose, prudently manage its assets and liabilities and endeavour to ensure—

  (i) its long-term financial viability; and

  (ii) that it acts as a successful going concern; and

(c) use its revenue efficiently, effectively, and in a manner that seeks value for money; and

(d) ensure that its revenue and expenditure are accounted for in a transparent manner; and

(e) ensure that it acts in a transparent manner in making decisions under this Act and the Land Transport Management Act 2003.

Guidance note

The transport CCO is also subject to the requirements of a substantial council-controlled organisation set out in sections 90 to 96.

Section 43B: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

43C Status and powers of transport CCO

(1) In fulfilling its purpose, the transport CCO has—

(a) full capacity to carry on or undertake any activity or business, do any act, or enter into any transaction; and

(b) for the purposes of paragraph (a), full rights, powers, and privileges.

(2) Subsection (1) is subject to the rest of this Act.

Section 43C: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

43D Transport CCO's status as council-controlled organisation and application of Part 5 of Local Government Act 2002

(1) For the purposes of section 43(2)(b), Part 5 of the Local Government Act 2002 applies to the transport CCO with the modifications set out in subsections (2) and (3).

(2) The following provisions of Part 5 of the Local Government Act 2002 do not apply to the transport CCO:

(a) section 56:

(b) sections 62 and 63:

(c) sections 71A and 72.

(3) Section 60 of the Local Government Act 2002 must be read as if the following paragraphs were inserted after paragraph (b):

(c) the provisions of Part 4 of the Local Government (Auckland Council) Act 2009; and

(d) any rules made by the Auckland Council under section 46B of the Local Government (Auckland Council) Act 2009.

Section 43D: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Functions, powers, etc, of transport CCO

Heading: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

44 Functions of transport CCO

(1) The primary function of the transport CCO is to provide public transport services within Auckland in a manner that is consistent with the regional public transport plan adopted for Auckland (*see also* section 46).

(2) The transport CCO has the following additional functions:

(a) any other transport functions that the Auckland Council may lawfully direct it to perform or delegate to it under section 46A:

(b) without limiting paragraph (a), any transport functions expressly conferred on the Auckland Council by any enactment (for example, under a local Act) that the Council may lawfully direct it to perform or delegate to it:

(c) any other functions that are given to it by this Act or any other enactment, or that are incidental and related to, or consequential upon, any of its functions under this Act or any other enactment.

(3) Nothing in this section vests ownership of any road, land, or other property in the transport CCO or affects the operation of section 316(1) of the Local Government Act 1974.

Section 44: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

44 Duties of directors

[Repealed]

Section 44: repealed, on 7 May 2026, by section 13 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

44A Transport CCO may delegate certain powers, functions, etc

(1) The transport CCO may delegate to any of its committees or employees any of its responsibilities, duties, functions, and powers (the **specified actions**) except—

(a) the power to borrow money or purchase or dispose of any assets of the transport CCO; and

(b) any duty to appoint a chief executive officer.

(2) A delegation under this section—

(a) must be in writing; and

(b) may be subject to any restrictions or conditions.

(3) The transport CCO's power to delegate to a committee or employee under subsection (1) includes the power to delegate anything precedent to the transport CCO's exercise or performance of a power or duty (after consultation with the committee or employee).

(4) In respect of a committee or employee delegated a specified action under subsection (1), the committee or employee may subdelegate the specified action to a subcommittee or other person (as the case may be).

(5) A subdelegation under this section—

(a) must be in writing; and

(b) is subject to any restrictions or conditions that the transport CCO imposes in the delegation under subsection (1) to which the subdelegation relates.

(6) A person to whom any specified action is delegated or subdelegated may exercise or perform that specified action in the same manner, subject to the same restrictions, and with the same effect as if the specified action had been directly conferred on them by this Act and not by delegation or subdelegation.

(7) A delegation or subdelegation does not affect the transport CCO's liability or legal responsibility to perform, or to ensure the performance of, any function or duty.

(8) This section—

(a) is subject to any provision to the contrary in this, or any other, Act; and

(b) does not exclude the provision of any power of delegation that the transport CCO has under any other enactment.

Section 44A: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Governing body of transport CCO

Heading: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

45 Governing body of transport CCO

(1) The governing body of the transport CCO is the board of directors.

(2) The board of directors comprises no fewer than 3 and no more than 5 directors.

(3) The board, including its chairperson and deputy chairperson, must be appointed by the Auckland Council.

(4) However, the Auckland Council must not appoint a person as a director if that person is—

(a) a member of the governing body of Auckland Council; or

(b) a member of a local board; or

(c) an employee or board member of the New Zealand Transport Agency; or

(d) an employee or director of KiwiRail.

(5) The powers and functions of the transport CCO are not affected by any vacancy in the membership of the board of directors.

Section 45: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Functions, powers, etc, of Auckland Transport

[Repealed]

Heading: repealed, on 7 May 2026, by section 13 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

45 Functions of Auckland Transport

[Repealed]

Section 45: repealed, on 7 May 2026, by section 13 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

45A Duties of transport CCO governing body directors

(1) A director must not—

(a) breach, or cause a breach of, this Act; or

(b) agree to any breach of this Act by the transport CCO.

(2) When acting as a director, a director must—

(a) act with honesty and integrity; and

(b) act in good faith and not pursue their own interests at the expense of the interests of the transport CCO; and

(c) exercise the care, diligence, and skill that a reasonable person would exercise in the same circumstances, taking into account (without limitation)—

(i) the nature of the transport CCO; and

(ii) the nature of the action; and

(iii) the position of the director and the nature of the responsibilities undertaken by the director.

Section 45A: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

45B Validity of office holders' acts

The acts of a person as a director, chairperson, or deputy chairperson of the transport CCO are not invalidated by—

(a) a defect in the appointment of the person; or

(b) the fact that the occasion for the person's acts, or for their appointment, had not arisen or had ended.

Section 45B: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Subpart 4—Provisions relating to Auckland Council

Subpart 4: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Auckland Council's relationship with transport CCO

Heading: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

46 Transport CCO to undertake public transport activities specified by Council

(1) The Auckland Council must specify, in the LTP, the activities that the transport CCO must undertake in performing its primary function set out in section 44(1) (the **public transport activities**).

(2) The Auckland Council may vary the public transport activities by amending the LTP.

(3) In respect of performing its primary function set out in section 44(1), the transport CCO must undertake only the public transport activities.

(4) If, under subsection (1), the Auckland Council requires the transport CCO to exercise a power, or perform a function, obligation, or any other action, of a regional council under a provision of Part 5 of the Land Transport Management Act 2003, a reference to a regional council in that provision is to be read as if it were a reference to the transport CCO.

Section 46: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

46 Functions and powers of Auckland Transport acting as local authority or other statutory body

[Repealed]

Section 46: repealed, on 7 May 2026, by section 13 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

46A Council may delegate certain powers, functions, etc

(1) The Auckland Council may delegate any of its responsibilities, duties, functions, and powers (the **specified actions**) to the transport CCO if—

(a) the Council is satisfied that it is appropriate for the transport CCO to exercise or perform the specified action; and

(b) the Minister of Transport approves the proposed delegation.

(2) However,—

(a) the Auckland Council must not delegate the power to delegate under this section to the transport CCO; and

(b) despite anything to the contrary in any enactment, the Auckland Council must not delegate a specified action to the transport CCO except in accordance with this section.

(3) A delegation under this section—

(a) must be in writing; and

(b) may be subject to any restrictions or conditions.

(4) In respect of a delegation of a specified action under subsection (1), the transport CCO may subdelegate that specified action to an employee of the transport CCO.

(5) A subdelegation under this section—

(a) must be in writing; and

(b) is subject to any restrictions or conditions that the Auckland Council imposes in the delegation under subsection (1) to which the subdelegation relates.

(6) Subject to any restriction or condition specified in a delegation or subdelegation under this section, the transport CCO or subdelegate (as the case may be) may exercise or perform the specified action to which the delegation or subdelegation relates in the same manner, subject to the same restrictions, and with the same effect as if the specified action had been directly conferred on them by this Act and not by delegation or subdelegation.

(7) A delegation or subdelegation under this section does not—

(a) affect or prevent the Auckland Council from performing or exercising the specified action that is delegated; and

(b) affect the Auckland Council's liability or legal responsibility to perform or exercise, or to ensure the performance or exercise of, any specified action.

Section 46A: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

46B Council may make operating rules for transport CCO

(1) The Auckland Council may make rules by which the transport CCO must operate, including rules in relation to—

(a) how the governing body of the transport CCO must operate:

(b) the scope of the transport CCO's operations in respect of its functions:

(c) the transport CCO's adherence to the strategic direction of the Auckland Council (as set out in, for example, the transport CCO's statement of intent and the 30-year transport plan):

(d) the procedures for dispute resolution between the Auckland Council and the transport CCO:

(e) how the transport CCO must appoint and employ staff (including its chief executive):

(f) how the transport CCO must acquire and dispose of significant assets:

(g) how the transport CCO must procure goods and services to fulfil its functions.

(2) A rule made under this section must not be inconsistent with the rest of this Act or with Part 5 of the Local Government Act 2002.

(3) Section 6(3)(d) of the Local Government Act 2002 applies to a rule made under this section.

Section 46B: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

46C Restriction on Council's ability to undertake public transport activities

The Auckland Council must not undertake the public transport activities set out in section 46.

Section 46C: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

46D Restriction on borrowing

The transport CCO must not borrow any funds without the written agreement of the Auckland Council.

Section 46D: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Division of transport responsibilities within Auckland Council

Heading: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

47 Auckland Council is road controlling authority

(1) The Auckland Council is the road controlling authority (as defined in section 2(1) of the Land Transport Act 1998) in relation to the roads within Auckland.

(2) *See* sections 47A to 47D for the division of responsibilities between the governing body and local boards in respect of the transport powers, functions, and responsibilities of the Auckland Council.

Section 47: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

47 Auckland Transport is requiring authority

[Repealed]

Section 47: repealed, on 7 May 2026, by section 13 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

47A Division of responsibilities between governing body and local boards in respect of transport matters

(1) This section further sets out the division of transport powers, functions, and responsibilities between the governing body and local boards (*see also* sections 15 and 16).

(2) The governing body may exercise or perform the transport powers, functions, and responsibilities of the Auckland Council, except those conferred on the local boards as set out in section 47C.

(3) The powers of the governing body in relation to bylaws and resolutions for the purposes of section 22AB of the Land Transport Act 1998 are subject to section 47D.

(4) If sections 47A to 47D are inconsistent with Part 2, then sections 47A to 47D (as the case may be) prevail.

Section 47A: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

47B Governing body and local boards must consider certain matters when exercising powers, etc

(1) In exercising or performing the powers, functions, and responsibilities specified in sections 47A to 47D, the governing body or local board (as the case may be) must have regard to—

(a) the transport of freight through the affected area; and

(b) frequently running public transport networks in the affected area.

(2) In exercising or performing its powers, functions, and responsibilities specified in sections 47A to 47D, a local board must do so in a manner that does not obstruct regionally significant transport projects and services (including, but not limited to, those projects and services specified in Auckland's regional land transport plan or regional public transport plan).

(3) *See also* sections 97 to 99, which relate to disputes between the governing body and local boards in respect of compliance with subsection (2).

Section 47B: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

47C Powers of local boards in respect of transport matters

(1) A local board has the powers, functions, and responsibilities as specified in Schedule 4 in relation to local roads and collector roads within its local board area.

(2) Unless this section specifies otherwise, a local board exercising or performing a power, function, or responsibility specified in Schedule 4 may do so in the same manner, subject to the same restrictions and requirements, and with the same effect as if the power, function, or responsibility were directly conferred on it by the relevant provision.

(3) In exercising the powers, performing the functions, and carrying out the responsibilities specified in Schedule 4, a local board must collaborate and co-operate with 1 or more other local boards in the situations where the interests and preferences of communities within each local board area will be better served by doing so.

(4) The Governor-General may, by Order in Council, do any of the following on the recommendation of the Minister of Transport:

(a) insert a power, function, or responsibility into Schedule 4:

(b) amend or revoke a power, function, or responsibility set out in Schedule 4.

(5) The Minister of Transport must not make a recommendation for the purposes of subsection (4) unless the recommendation is with the concurrence of the Auckland Council.

(6) An order under subsection (4)—

(a) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements); and

(b) must include a statement of the reasons for the making of the order.

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 47C: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

47D Division of responsibility in relation to bylaws under section 22AB of Land Transport Act 1998

(1) This section applies to the Auckland Council for the purposes of making a bylaw or resolution under section 22AB of the Land Transport Act 1998.

(2) For the Auckland Council to make a bylaw, the governing body and a majority of local boards must agree to the making of the bylaw.

(3) In respect of the making of a bylaw under subsection (2), a local board must notify the governing body, in writing, of whether the local board agrees to the making of the bylaw within a reasonable time specified by the governing body.

(4) For the purposes of section 22AB(3) of the Land Transport Act 1998, a reference to a road controlling authority is to be read as follows:

(a) in respect of a bylaw under any of the following provisions of the Land Transport Act 1998, as if it were a reference to a local board in relation to local roads and collector roads within its local board area:

(i) section 22AB(1)(e) to (h):

(ii) section 22AB(1)(m) and (n):

(iii) section 22AB(1)(o), to the extent that it provides for the making of resolutions in relation to the use of parking places for the

purposes set out in section 22AB(1)(o)(i), (ii), (iii)(A), (iv), and (v):

(iv) section 22AB(1)(q) to (v):

(v) section 22AB(1)(z):

(vi) section 22AB(1)(zc):

(vii) section 22AB(1)(zi):

(b) in any other case, as if it were a reference to the governing body.

(5) For the purposes of making a resolution to limit a parking place, or any specified part of that parking place, under section 22AB(3A) of the Land Transport Act 1998, a reference to a relevant road controlling authority is to be read as if it were a reference to a local board in relation to local roads and collector roads within its local board area.

Section 47D: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Miscellaneous provisions

Heading: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

48 Council must develop Auckland Roading Classification Framework

(1) The Auckland Council must develop, approve, and maintain the Auckland Roading Classification Framework (the **Roading Framework**).

(2) The Roading Framework must classify a road, other than a State highway, within Auckland as—

(a) an arterial road, being a road that carries a significant volume of—

(i) traffic; or

(ii) freight; or

(iii) public transport; or

(b) a local road, being—

(i) a road that collects and distributes traffic to and from properties within a specific area; or

(ii) a road that—

(A) is, or is on land that is, under the control of the Auckland Council; and

(B) is contemplated to be in the remit of decision making by local boards; or

(c) a collector road, being a road that distributes traffic between local roads and arterial roads; or

(d) a city centre road, being a road that is within the Auckland city centre (*see* subsection (3)); or

(e) an Eden Park precinct road, being a road that is within the Eden Park precinct (*see* subsection (3)); or

(f) a residual road, being a road that—

(i) is, or is on land that is, under the control of the Auckland Council; and

(ii) is contemplated to be in the remit of decision making by the governing body.

(3) In addition to classifying roads under subsection (2), the Roading Framework must also specify—

(a) the area that is the Auckland city centre; and

(b) the area that is the Eden Park precinct.

(4) Before the Auckland Council approves or varies the Roading Framework,—

(a) the Auckland Council must consult the transport CCO on the Roading Framework or variation to it (as the case may be); and

(b) the Minister of Transport must approve the Roading Framework or variation to it (as the case may be).

(5) In this section, **road** has the meaning set out in section 2(1) of the Land Transport Act 1998.

(6) The Roading Framework made under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	The maker must publish it in accordance with the Legislation (Publication) Regulations 2021	LA19 s 74(1)(aa)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 48: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

48 Limitations on Auckland Transport acting under section 46(1)(c) or 47

[Repealed]

Section 48: repealed, on 7 May 2026, by section 13 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

48A Auckland Council's review of performance of transport functions, etc

(1) The Auckland Council must,—

(a) 5 years after the date on which this subpart commences (the **review date**), review the following in respect of the performance of their powers, functions, and responsibilities under this Part:

(i) the Auckland Council (including the governing body and local boards):

(ii) the transport CCO; and

(b) within 9 months after the review date, prepare a report on that review.

(2) Before completing the report, the Auckland Council must consult any person the Council considers appropriate.

(3) As soon as practicable after the Auckland Council has completed the report,—

(a) the Council must present the report to the Minister of Transport; and

(b) the Minister of Transport must present the report to the House of Representatives.

Section 48A: inserted, on 7 May 2026, by section 14 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Auckland Council's role in transport matters

[Repealed]

Heading: repealed, on 7 May 2026, by section 13 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

49 Council may make operating rules for Auckland Transport

[Repealed]

Section 49: repealed, on 7 May 2026, by section 13 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

50 Council prohibited from performing functions and exercising powers conferred on Auckland Transport under sections 46 and 47

[Repealed]

Section 50: repealed, on 7 May 2026, by section 13 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

51 Council's powers under Public Works Act 1981 fettered for works relating to Auckland transport system

[Repealed]

Section 51: repealed, on 7 May 2026, by section 13 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

52 Council's jurisdiction in respect of roads defined more widely than in Local Government Act 1974

[Repealed]

Section 52: repealed, on 7 May 2026, by section 13 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Miscellaneous provisions relating to Auckland Transport

[Repealed]

Heading: repealed, on 7 May 2026, by section 13 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

53 Validity of directors' acts

[Repealed]

Section 53: repealed, on 7 May 2026, by section 13 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

54 Delegations

[Repealed]

Section 54: repealed, on 7 May 2026, by section 13 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

55 Restriction on borrowing

[Repealed]

Section 55: repealed, on 7 May 2026, by section 13 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

56 Auckland Transport's jurisdiction in respect of roads defined more widely than in Local Government Act 1974

[Repealed]

Section 56: repealed, on 7 May 2026, by section 13 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Part 5
Water supply and wastewater services for Auckland

Part 5: added, on 1 November 2010, by section 31 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

Auckland Council

Heading: inserted, on 1 July 2025, by section 109 of the Local Government (Water Services Preliminary Arrangements) Act 2024 (2024 No 31).

56A Limits on Auckland Council

(1) The Auckland Council—

(a) has no right, title, or interest (legal or equitable) in the assets, security, debts, or liabilities of an Auckland water organisation; and

(b) must not receive any equity return, directly or indirectly, from an Auckland water organisation; and

(c) must not give an Auckland water organisation any financial support or capital; and

(d) must not lend money or provide credit to an Auckland water organisation; and

(e) must not give any person any guarantee, indemnity, or security in relation to the performance of any obligation by an Auckland water organisation; and

(f) must not direct an Auckland water organisation in relation to any borrowing of any sort by that organisation.

(2) To avoid doubt, nothing in this section precludes the Auckland Council and an Auckland water organisation entering into a contract for shared services.

(3) In this section,—

borrowing—

(a) means the incurring by any means of debt to raise money; and

(b) includes the incurring of debt—

(i) under any contract or arrangement for hire purchase, deferred payment, instalment payment, sale and lease-back or buy-back, financial lease, loan, overdraft, or other arrangement for obtaining debt finance; or

(ii) by the drawing, acceptance, making, endorsement, issue, or sale of bills of exchange, promissory notes, and other negotiable instruments and debt securities; or

(iii) by the use, for any purpose, of funds received or invested by the Auckland water organisation for any other purpose if the Auckland water organisation has resolved to repay, with or without interest, the funds used; or

(iv) under any contract for services; but

(c) does not include debt incurred in connection with the hire purchase of goods, the deferred purchase of goods or services, or the giving of credit for the purchase of goods or services if—

(i) the period for which the indebtedness is outstanding is less than 91 days and the indebtedness is not incurred again promptly after payment; or

(ii) the goods or services are obtained in the ordinary course of the Auckland water organisation's performance of its lawful responsibilities, on terms and conditions available generally to parties of equivalent creditworthiness, for amounts not exceeding in aggregate an amount—

(A) determined by resolution of the Auckland water organisation as not being so significant as to require specific authorisation; or

(B) recorded for the purposes of this subsubparagraph in the then current borrowing management policy of the Auckland water organisation; and

(d) does not include a contract for services that is entered into (or that was entered into before this section came into force)—

(i) in the ordinary course of the Auckland Council's or an Auckland water organisation's performance of its lawful responsibilities; and

(ii) on terms and conditions generally available to other parties of equivalent creditworthiness

capital includes uncalled capital

equity return means—

(a) profits of an Auckland water organisation; or

(b) distributions from an Auckland water organisation; or

(c) any benefit derived, directly or indirectly, from an Auckland water organisation that represents, is calculated by reference to, or is determined by—

(i) a share in or proportion of an Auckland water organisation's capital; or

(ii) an Auckland water organisation's surplus or residual economic value (after satisfying prior contractual claims); or

(iii) an Auckland water organisation's profitability or any other indicator of its success

give financial support or capital does not include to enter into any contract for services to sell or supply goods or services on credit—

(a) in the ordinary course of the Auckland Council's, or an Auckland water organisation's, performance of its lawful responsibilities; and

(b) on terms and conditions generally available to other parties of equivalent creditworthiness

lend money or provide credit—

(a) includes, without limiting the generality of that expression,—

(i) to defer payment for any goods or services supplied or works constructed for any person, organisation, or government; and

(ii) to enter into hire purchase agreements or agreements that are of the same or a substantially similar nature; and

(iii) to enter into finance lease arrangements or arrangements that are of the same or a substantially similar nature; and

(iv) to subscribe for any debt securities or uncalled capital; but

(b) does not include to enter into any contract for services to sell or supply goods or services on credit—

(i) in the ordinary course of the Auckland Council's, or an Auckland water organisation's, performance of its lawful responsibilities; and

(ii) on terms and conditions generally available to other parties of equivalent creditworthiness

security has the meaning set out in section 6(1) of the Financial Markets Conduct Act 2013.

Compare: 2022 No 77 s 171

Section 56A: inserted, on 1 July 2025, by section 109 of the Local Government (Water Services Preliminary Arrangements) Act 2024 (2024 No 31).

Auckland water organisations

Heading: inserted, on 1 July 2025, by section 109 of the Local Government (Water Services Preliminary Arrangements) Act 2024 (2024 No 31).

57 Obligations of Auckland water organisation

(1) An Auckland water organisation—

(a) must manage its operations efficiently with a view to keeping the overall costs of water supply and waste-water services to its customers (collectively) at the minimum levels consistent with the effective conduct of its undertakings and the maintenance of the long-term integrity of its assets; and

(b) must not pay any dividend or distribute any surplus in any way, directly or indirectly, to any owner or shareholder; and

(c) is not required to comply with section 68(b) of the Local Government Act 2002; and

(d) must have regard for public safety (for example, the safety of children in urban areas) in relation to its structures.

(2) However, subsection (1)(b) does not prevent an Auckland water organisation from making a taxable bonus issue (as defined in section YA 1 of the Income Tax Act 2007).

(3) An Auckland water organisation does not breach its obligation under subsection (1)(a) merely by—

(a) giving an infrastructure endorsement under section 20 or 20A of the Infrastructure Funding and Financing Act 2020; or

(b) accepting a transfer of eligible infrastructure under section 90 of that Act; or

(c) contributing funding to the construction of eligible infrastructure that has been, or is intended to be, transferred to that organisation under that section.

Section 57: added, on 1 November 2010, by section 31 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

Section 57(3): inserted, on 7 August 2020, by section 161 of the Infrastructure Funding and Financing Act 2020 (2020 No 47).

Section 57(3)(a): amended, on 5 August 2026, by section 74 of the Infrastructure Funding and Financing Amendment Act 2026 (2026 No 46).

57A Auckland water organisation must repay debt to Auckland Council

(1) If, on the date on which this section comes into force, an Auckland water organisation owes a debt to the Auckland Council in respect of water services infrastructure, the Auckland water organisation must repay that debt, including any interest payable.

(2) An Auckland water organisation must repay a debt under subsection (1) despite anything in section 56A.

(3) The repayment—

(a) may be made by instalments; but

(b) must be paid in full no later than the close of the day that is 5 years after this section comes into force.

Section 57A: inserted, on 1 July 2025, by section 110 of the Local Government (Water Services Preliminary Arrangements) Act 2024 (2024 No 31).

57B Repeal of section 57A

This section and section 57A are repealed on the date that is 5 years after this section comes into force.

Section 57B: inserted, on 1 July 2025, by section 110 of the Local Government (Water Services Preliminary Arrangements) Act 2024 (2024 No 31).

58 Auckland water organisation must give effect to LTP and act consistently with other specified plans and strategies of Council

(1) An Auckland water organisation must give effect to the relevant aspects of the LTP.

(2) An Auckland water organisation must act consistently with the relevant aspects of any other plan (including a local board plan) or strategy of the Council to the extent specified in writing by the governing body of the Council.

(3) However, nothing in this section or section 92 authorises non-compliance with section 57 by an Auckland water organisation.

(4) This section is subject to—

(a) section 84(2) (effect of charter) of the Local Government (Water Services Preliminary Arrangements) Act 2024; and

(b) section 56A (limits on Auckland Council) of this Act.

Section 58: added, on 1 November 2010, by section 31 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

Section 58 heading: amended, on 27 November 2010, by section 50 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 58(1): amended, on 27 November 2010, by section 50 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 58(4): inserted, on 1 July 2025, by section 111 of the Local Government (Water Services Preliminary Arrangements) Act 2024 (2024 No 31).

59 Auckland water organisation may occupy certain Crown land without charge

(1) An Auckland water organisation is not required to pay rent to the Crown in relation to any land in an Auckland harbour on, over, or under which an existing wastewater asset is constructed or laid.

(2) Nothing in subsection (1) affects any obligation an Auckland water organisation may have to comply with the Resource Management Act 1991 in relation to an existing wastewater asset (including any liability to pay for the occupation of a coastal marine area under any regulations made under that Act).

(3) In this section, **existing wastewater asset** means a wastewater asset held by Watercare Services Limited on 1 November 2010.

Section 59: added, on 1 November 2010, by section 31 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

Section 59(2): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

60 Status of Auckland water organisation under Public Works Act 1981

For the purposes of the Public Works Act 1981,—

(a) an Auckland water organisation that is not a local authority is to be treated as if it were a local authority; and

(b) a work authorised under this Part and undertaken by an Auckland water organisation that is not a local authority is to be treated as if it were a local work.

Section 60: added, on 1 November 2010, by section 31 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

60A Charges as security

(1) This section applies if—

(a) an Auckland water organisation has granted a security interest over a water services charge or the revenue from water services charges revenue as security for a loan or the performance of any obligations under an incidental arrangement; and

(b) a receiver has been appointed under section 40A or 40B of the Receiverships Act 1993 in respect of that loan or arrangement; and

(c) the Crown monitor has been informed of the appointment.

(2) The receiver may, without further authority than this section, assess and collect in each financial year a charge under this section to recover sufficient funds to meet—

(a) the payment of the Auckland water organisation's commitments in respect of the loan or incidental arrangement during that year; and

(b) the reasonable costs of administering, assessing, and collecting the charge.

(3) However, a receiver may not create, or receive, any interest or security in water services infrastructure.

(4) A charge under this section must be assessed as an amount that is a uniform percentage (which percentage may exceed 100%) of the total water services charge payable in relation to a property during the 12-month period ending on the last day of the calendar month immediately before the month in which the charge is assessed under this section.

(5) A charge under this section over any 1 or more of the assets of an Auckland water organisation is subject to the Receiverships Act 1993.

(5A) A charge under this section must not be limited by a Watercare charter made under section 77 of the Local Government (Water Services Preliminary Arrangements) Act 2024.

(5B) A charge imposed under this section is—

(a) a debt due to the Auckland water organisation; and

(b) recoverable as a debt by the Auckland water organisation in any court of competent jurisdiction.

(5B) A charge imposed under this section is—

(a) a debt due to the Auckland water organisation; and

(b) recoverable as a debt by the Auckland water organisation in any court of competent jurisdiction.

(6) In this section,—

Crown monitor means a Crown monitor appointed under section 72 of the Local Government (Water Services Preliminary Arrangements) Act 2024

incidental arrangement has the same meaning as in section 112 of the Local Government Act 2002

loan has the same meaning as in section 112 of the Local Government Act 2002

property means a street address that, at any point in a 12-month period ending on the last day of the calendar month immediately before the month during

which a charge is assessed under this section, is (or has been) connected to 1 or more of an Auckland water organisation's—

(a) water supply services:

(b) wastewater services:

(c) stormwater services (if responsibility for stormwater services has been transferred to an Auckland water organisation under a transfer agreement under section 12 of the Local Government (Water Services) Act 2025)

stormwater services has the same meaning as in section 4 of the Local Government (Water Services) Act 2025

water services charges means any charges set by an Auckland water organisation (including charges under section 86 of the Local Government (Water Services) Act 2025) for providing—

(a) water supply services:

(b) wastewater services:

(c) stormwater services (if responsibility for stormwater services has been transferred to an Auckland water organisation under a transfer agreement under section 12 of the Local Government (Water Services) Act 2025).

Section 60A: inserted, on 1 July 2025, by section 112 of the Local Government (Water Services Preliminary Arrangements) Act 2024 (2024 No 31).

Section 60A(1)(a): amended, on 27 August 2025, by section 172 of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Section 60A(4): replaced, on 27 August 2025, by section 172 of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Section 60A(5): amended, on 27 August 2025, by section 172 of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Section 60A(5A): inserted, on 27 August 2025, by section 172 of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Section 60A(5B): inserted, on 27 August 2025, by section 172 of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Section 60A(6): replaced, on 27 August 2025, by section 172 of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Auckland water organisation may propose bylaws

[Repealed]

Heading: repealed, on 27 August 2025, by section 172 of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

61 Auckland water organisation may propose bylaw

[Repealed]

Section 61: repealed, on 27 August 2025, by section 172 of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

62 Auckland water organisation must consult on proposed bylaw

[Repealed]

Section 62: repealed, on 27 August 2025, by section 172 of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Powers of Auckland water organisation

[Repealed]

Heading: repealed, on 27 August 2025, by section 172 of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

63 Powers of Auckland water organisation under Local Government Act 1974

An Auckland water organisation that is not a local authority has the powers of a council under the following sections of the Local Government Act 1974 in relation to its wastewater services (and those sections apply accordingly, with any necessary modifications):

(a) section 451 (diversion, etc, of drainage works):

(b) section 459 (council may require owners of land in certain cases to provide private drains):

(c) section 460 (construction of private drains through adjoining premises):

(d) section 461 (further provisions with respect to private drains):

(e) section 462 (council may declare private drain to be public drain):

(f) section 467 (unlawful connection of private drain):

(g) section 468 (tree roots obstructing public drains).

Section 63: added, on 1 November 2010, by section 31 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

64 Powers of Auckland water organisation under Local Government Act 2002

[Repealed]

Section 64: repealed, on 27 August 2025, by section 172 of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

65 Construction of works on roads and public land by Auckland water organisation

[Repealed]

Section 65: repealed, on 27 August 2025, by section 172 of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

66 Notice requirement

[Repealed]

Section 66: repealed, on 27 August 2025, by section 172 of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

67 Auckland water organisation to be notified of conditions

[Repealed]

Section 67: repealed, on 27 August 2025, by section 172 of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

68 Failure to notify conditions

[Repealed]

Section 68: repealed, on 27 August 2025, by section 172 of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

69 Urgency

[Repealed]

Section 69: repealed, on 27 August 2025, by section 172 of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

70 Appeals by Auckland water organisation to District Court

[Repealed]

Section 70: repealed, on 27 August 2025, by section 172 of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

71 Council to appoint enforcement officers

[Repealed]

Section 71: repealed, on 27 August 2025, by section 172 of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Nuisances created by Auckland water organisation

Heading: added, on 1 November 2010, by section 31 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

72 Abatement of nuisances created by Auckland water organisation

(1) Where any nuisance within the meaning of section 29 of the Health Act 1956 is created by an Auckland water organisation in the exercise of any powers conferred on it by this Act, the Director-General of Health may, by notice in writing to the organisation,—

(a) require the organisation to abate the nuisance; and

(b) specify the works to be done by the organisation in order to abate the nuisance and the time within which they must be done.

(2) If the organisation considers the requirements specified in the notice to be unreasonable, impracticable, or unnecessary, it may, within 3 days after service of the notice on it, apply to the District Court for an order setting aside or modifying the notice. Pending the hearing of the application, the notice must be treated as suspended.

(3) On the hearing of the application, the court, whose decision is final, must determine whether the notice should or should not be set aside or modified

and, if the notice is not set aside, the time within which the organisation must comply with the notice or, as the case may be, with the modified notice.

(4) If the organisation, within the time specified in the notice or, in the case of an application to the court, in the order of the court, fails to comply with the notice or order, the Medical Officer of Health under the Health Act 1956, without further notice to the organisation, may cause the nuisance to be abated and for that purpose may, with such assistance as may be necessary, enter on any land or premises of the organisation and execute or cause to be executed the necessary works.

(5) All expenses reasonably incurred by the Medical Officer of Health in the abatement of a nuisance under subsection (4) are recoverable from the organisation as a debt due to the Crown.

Section 72: added, on 1 November 2010, by section 31 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

Rating of land and assets owned by Auckland water organisation

Heading: added, on 1 November 2010, by section 31 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

73 Rating of land and assets owned by Auckland water organisation

(1) Subsection (2) applies to land owned by an Auckland water organisation and used for the purposes of providing water supply or wastewater services within Auckland.

(2) The total amount of any rates assessed under section 13 or 16 of the Local Government (Rating) Act 2002 for the land must not exceed the amount of rates that would otherwise have been assessed if each of the rates had been assessed on the land value only of every rating unit liable for the rates.

(3) For the purposes of the Local Government (Rating) Act 2002, a water supply or wastewater services asset that is owned by an Auckland water organisation and is situated in or on any land not owned by the organisation is deemed not to be rateable property.

Section 73: added, on 1 November 2010, by section 31 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

Offences and liability for damage

[Repealed]

Heading: repealed, on 27 August 2025, by section 172 of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

74 Offence not to comply with any of sections 65, 66, and 69

[Repealed]

Section 74: repealed, on 27 August 2025, by section 172 of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

75 Offences relating to carrying out work on water supply or wastewater assets of Auckland water organisation without notice

[Repealed]

Section 75: repealed, on 27 August 2025, by section 172 of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

76 Offences relating to damage to water supply or wastewater assets of Auckland water organisation

[Repealed]

Section 76: repealed, on 27 August 2025, by section 172 of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

77 Liability for damage by wilful or negligent behaviour towards water supply or wastewater work

[Repealed]

Section 77: repealed, on 27 August 2025, by section 172 of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Council must consult other Auckland water organisations when assessing water and other sanitary services

Heading: added, on 1 November 2010, by section 31 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

78 Council must consult Auckland water organisations when assessing water services

(1) Subsection (2) applies to the Council when carrying out its duty under sections 69 to 71 of the Local Government (Water Services) Act 2025 to assess the following within Auckland:

(a) access to drinking water:

(b) the provision of wastewater services and stormwater services.

(2) The Council must consult each Auckland water organisation in making its assessment.

Section 78: replaced, on 27 August 2025, by section 172 of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Part 6
Spatial planning for Auckland

Part 6: inserted, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

79 Spatial plan for Auckland

(1) The Auckland Council must prepare and adopt a spatial plan for Auckland.

(2) The purpose of the spatial plan is to contribute to Auckland's social, economic, environmental, and cultural well-being through a comprehensive and effective long-term (20- to 30-year) strategy for Auckland's growth and development.

(3) For the purposes of subsection (2), the spatial plan will—

(a) set a strategic direction for Auckland and its communities that integrates social, economic, environmental, and cultural objectives; and

(b) outline a high-level development strategy that will achieve that direction and those objectives; and

(c) enable coherent and co-ordinated decision making by the Auckland Council (as the spatial planning agency) and other parties to determine the future location and timing of critical infrastructure, services, and investment within Auckland in accordance with the strategy; and

(d) provide a basis for aligning the implementation plans, regulatory plans, and funding programmes of the Auckland Council.

(4) The spatial plan must—

(a) recognise and describe Auckland's role in New Zealand; and

(b) visually illustrate how Auckland may develop in the future, including how growth may be sequenced and how infrastructure may be provided; and

(c) provide an evidential base to support decision making for Auckland, including evidence of trends, opportunities, and constraints within Auckland; and

(d) identify the existing and future location and mix of—

(i) residential, business, rural production, and industrial activities within specific geographic areas within Auckland; and

(ii) critical infrastructure, services, and investment within Auckland (including, for example, services relating to cultural and social infrastructure, transport, open space, water supply, wastewater and stormwater, and services managed by network utility operators); and

(e) identify nationally and regionally significant—

(i) recreational areas and open-space areas within Auckland; and

(ii) ecological areas within Auckland that should be protected from development; and

(iii) environmental constraints on development within Auckland (for example, flood-prone or unstable land); and

(iv) landscapes, areas of historic heritage value, and natural features within Auckland; and

(f) identify policies, priorities, land allocations, and programmes and investments to implement the strategic direction and specify how resources will be provided to implement the strategic direction.

Section 79: inserted, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

80 Development, adoption, and implementation of spatial plan

(1) The Auckland Council must involve central government, infrastructure providers (including network utility operators), the communities of Auckland, the private sector, the rural sector, and other parties (as appropriate) throughout the preparation and development of the spatial plan.

(2) The Auckland Council must adopt the spatial plan in accordance with the special consultative procedure.

(3) The Auckland Council may amend the spatial plan, at any time, in accordance with subsections (1) and (2).

(4) The Auckland Council must—

(a) make the spatial plan (including any amendments) available for inspection during working hours, free of charge, at—

(i) the office of the Auckland Council; and

(ii) any other places in Auckland that the Auckland Council, at its discretion, decides are appropriate; and

(b) make copies of the plan available, free of charge or for purchase at a reasonable price, from—

(i) the office of the Auckland Council; and

(ii) any other places in Auckland that the Auckland Council, at its discretion, decides are appropriate; and

(c) make copies of the plan available, free of charge, on an Internet site maintained by or on behalf of the Auckland Council.

(5) The Auckland Council must endeavour to secure and maintain the support and co-operation of central government, infrastructure providers (including network utility operators), the communities of Auckland, the private sector, the rural sector, and other parties (as appropriate) in the implementation of the spatial plan.

Section 80: inserted, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Part 6
Spatial planning for Auckland

[Repealed]

Part 6: repealed, on 24 August 2023, by section 75 of the Spatial Planning Act 2023 (2023 No 47).

79 Spatial plan for Auckland

[Repealed]

Section 79: repealed, on 24 August 2023, by section 75 of the Spatial Planning Act 2023 (2023 No 47).

80 Development, adoption, and implementation of spatial plan

[Repealed]

Section 80: repealed, on 24 August 2023, by section 75 of the Spatial Planning Act 2023 (2023 No 47).

Part 7
Board promoting issues of significance for mana whenua groups and mataawaka of Tamaki Makaurau

Part 7: added, on 1 November 2010, by section 31 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

81 Establishment and purpose of board

This Part establishes a board whose purpose is to assist the Auckland Council to make decisions, perform functions, and exercise powers by—

(a) promoting cultural, economic, environmental, and social issues of significance for—

(i) mana whenua groups; and

(ii) mataawaka of Tamaki Makaurau; and

(b) ensuring that the Council acts in accordance with statutory provisions referring to the Treaty of Waitangi.

Section 81: added, on 1 November 2010, by section 31 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

82 Board independent

(1) The board is a body corporate separate from—

(a) the Auckland Council; and

(b) the board's members; and

(c) the selection body; and

(d) the mana whenua groups represented on the selection body.

(2) The board is independent of—

(a) the Auckland Council; and

(b) the mana whenua groups represented on the selection body.

(3) The board is not required to accept direction from any person.

(4) When members of the board are acting as members of the board, they must act in the interest of achieving the board's purpose and must not act in any other interest.

Section 82: added, on 1 November 2010, by section 31 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

83 Board's name

(1) The board may choose to name itself.

(2) If the board names itself, it may change its name at any time.

(3) If the board names itself, or changes its name, it must tell the Minister of Māori Affairs and the Auckland Council the name or the new name as soon as practicable.

Section 83: added, on 1 November 2010, by section 31 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

84 Board's general functions

(1) The board's general functions are—

(a) to act in accordance with its purpose and functions and to ensure that it does not contravene the purpose for which it was established:

(b) to develop a schedule of issues of significance to mana whenua groups and mataawaka of Tamaki Makaurau, and give a priority to each issue, to guide the board in carrying out its purpose:

(c) to keep the schedule up to date:

(d) to advise the Auckland Council on matters affecting mana whenua groups and mataawaka of Tamaki Makaurau:

(e) to work with the Auckland Council on the design and execution of documents and processes to implement the Council's statutory responsibilities towards mana whenua groups and mataawaka of Tamaki Makaurau.

(2) The board and the Council must meet at least 4 times in each financial year to discuss the board's performance of its functions.

Section 84: added, on 1 November 2010, by section 31 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

85 Board's specific functions

(1) The board must appoint a maximum of 2 persons to sit as members on each of the Auckland Council's committees that deal with the management and stewardship of natural and physical resources.

(2) If the Auckland Council asks the board to appoint a person or persons to sit as members on any other of the Council's committees, the board may do so.

(3) The board must,—

(a) before making the appointments, seek the views of the Auckland Council as to the skills and experience that the Council would like the appointees to have; and

(b) when making the appointments, take the views of the Auckland Council into account.

(4) The board must consider a request by the Auckland Council that the board accept the delegation of a function by the Council.

(5) The board must act in accordance with a delegation that it has accepted.

Section 85: added, on 1 November 2010, by section 31 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

86 Board's powers

(1) The board may consult any person who the board considers is likely to help the board in carrying out its purpose.

(2) The board may establish the committees it considers necessary to enable it to carry out its purpose.

(3) The board may seek the advice it requires to enable it to carry out its purpose.

(4) The board has any other powers that it needs to carry out its purpose and that are consistent with this Part.

Section 86: added, on 1 November 2010, by section 31 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

87 Auckland Council information provided to board

(1) The board may not exercise its powers in section 86 if doing so would disclose information that—

(a) is known to the board because the Auckland Council provided it to the board; and

(b) is information that the Auckland Council would consider withholding under the Local Government Official Information and Meetings Act 1987 or the Privacy Act 2020 if the Council received a request for it.

(2) When the board is deciding whether subsection (1)(b) applies to information that the Council provided to the board, it must make its decision on reasonable grounds.

(3) When the Auckland Council decides that subsection (1)(b) applies to information that the Council provided to the board, it must tell the board of its decision and the reasons for its decision.

Section 87: added, on 1 November 2010, by section 31 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

Section 87(1)(b): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

88 Auckland Council's duties to board

(1) The Auckland Council must—

(a) provide the board with the information that the board needs to identify business of the Council that relates to the board's purpose:

(b) consult the board on matters affecting mana whenua groups and mataawaka of Tamaki Makaurau:

(c) take into account the board's advice on ensuring that the input of mana whenua groups and mataawaka of Tamaki Makaurau is reflected in the Council's strategies, policies, and plans:

(d) take into account the board's advice on other matters:

(e) make an agreement under clause 20 of Schedule 2 every year to provide the board with the funding it needs to carry out its purpose:

(f) work with the board on the design and execution of documents and processes that relate to seeking the input of mana whenua groups and mataawaka of Tamaki Makaurau.

(2) The Council's duties under this section do not relieve it of any duties it has under any other enactment to consult Māori.

(3) The Council and the board must meet at least 4 times in each financial year to discuss the Council's performance of its duties.

Section 88: added, on 1 November 2010, by section 31 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

89 Schedule 2 applies to board

Schedule 2 applies to the board.

Section 89: added, on 1 November 2010, by section 31 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

Part 8
Miscellaneous

Part 8: added, on 1 November 2010, by section 31 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

Substantive council-controlled organisations

Heading: added, on 1 November 2010, by section 31 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

90 Council must have accountability policy for substantive council-controlled organisations

(1) The Council must adopt (using the special consultative procedure) a policy on the accountability of its substantive council-controlled organisations.

(2) The policy must—

(a) include a statement of the Council's expectations in respect of each substantive council-controlled organisation's contributions to, and alignment with, the Council's objectives and priorities:

(b) include a statement of the Council's expectations in respect of each substantive council-controlled organisation's contributions to, and alignment with, any relevant objectives and priorities of central government:

(c) specify any reporting requirements that each substantive council-controlled organisation must undertake in addition to those required under the following:

(i) Part 5 of the Local Government Act 2002:

(ii) in the case of Watercare Services Limited, Part 4 of the Local Government (Water Services) Act 2025:

(iii) this Act:

(d) specify any planning requirements that each substantive council-controlled organisation must undertake in addition to those required under the following:

(i) Part 5 of the Local Government Act 2002:

(ii) in the case of Watercare Services Limited, Part 4 of the Local Government (Water Services) Act 2025:

(iii) this Act:

(e) identify or define any strategic assets in relation to each substantive council-controlled organisation and set out any requirements in relation to the organisation's management of those assets, including the process by which the organisation may approve major transactions in relation to them.

(3) A policy under this section—

(a) may be adopted by the Council as part of its LTP:

(b) must be included in the Council's LTP:

(c) may be amended only as an amendment to the LTP.

Section 90: added, on 1 November 2010, by section 31 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

Section 90(2)(c): replaced, on 27 August 2025, by section 172 of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Section 90(2)(d): replaced, on 27 August 2025, by section 172 of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Section 90(3)(a): amended, on 27 November 2010, by section 50 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 90(3)(b): amended, on 27 November 2010, by section 50 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 90(3)(c): amended, on 27 November 2010, by section 50 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

91 Council may impose additional accountability requirements on substantive council-controlled organisations

(1) The Council may require a substantive council-controlled organisation (except Watercare Services Limited) to—

(a) include in its statement of intent a narrative on how the organisation will contribute to the Council's and, where appropriate, the Government's objectives and priorities for Auckland:

(b) deliver, no later than 1 month after the end of the first and third quarter of each financial year, a report on the organisation's operations during each quarter that includes the information required to be included by its statement of intent:

(c) prepare and adopt a plan covering a period of at least 10 years that describes how the organisation intends to—

(i) manage, maintain, and invest in its assets; and

(ii) maintain or improve service levels; and

(iii) respond to population growth and other changing environmental factors; and

(iv) give effect to the Council's strategy, plans, and priorities:

(d) comply with any specified requirements for the management of the assets of the organisation identified by the Council as strategic assets and processes for the approval of major transactions in relation to them.

(2) The Council may not require the transport CCO to prepare and adopt a plan under subsection (1)(c).

(3) This section does not limit or affect the application of Part 5 of the Local Government Act 2002 to a substantive council-controlled organisation.

Section 91: added, on 1 November 2010, by section 31 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

Section 91(1): amended, on 27 August 2025, by section 172 of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Section 91(2): amended, on 7 May 2026, by section 15 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

92 Substantive council-controlled organisations must give effect to LTP and act consistently with other specified plans and strategies of Council

(1) Each substantive council-controlled organisation must give effect to the relevant aspects of the LTP.

(2) Each substantive council-controlled organisation must act consistently with the relevant aspects of any other plan (including a local board plan) or strategy of the Council to the extent specified in writing by the governing body of the Council.

(3) This section is subject to—

(a) section 84(2) (effect of charter) of the Local Government (Water Services Preliminary Arrangements) Act 2024; and

(b) section 56A (limits on Auckland Council) of this Act.

Section 92: added, on 1 November 2010, by section 31 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

Section 92 heading: amended, on 27 November 2010, by section 50 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 92(1): amended, on 27 November 2010, by section 50 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 92(3): inserted, on 1 July 2025, by section 113 of the Local Government (Water Services Preliminary Arrangements) Act 2024 (2024 No 31).

93 Councillors and local board members prohibited from appointment as directors of substantive council-controlled organisations

(1) The Council must not appoint a person to be a director of a substantive council-controlled organisation if the person is, at the time of the appointment,—

(a) a member of the governing body of the Council; or

(b) a member of a local board.

(2) However, section 45(4) prevails in relation to an appointment of a director of the transport CCO.

Section 93: added, on 1 November 2010, by section 31 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

Section 93(2): replaced, on 7 May 2026, by section 16 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

94 Director of substantive council-controlled organisation elected to Council or local board must resign before taking up position

A director of a substantive council-controlled organisation who is elected to be a member of the governing body of the Council or a local board must resign from his or her position as a director of the council-controlled organisation before taking up his or her position as a member of the governing body of the Council or the local board.

Section 94: added, on 1 November 2010, by section 31 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

95 Council may appoint chairperson and deputy chairperson of substantive council-controlled organisation

(1) The Council may appoint the chairperson and deputy chairperson of each substantive council-controlled organisation.

(2) However, the Council must not appoint any of the persons specified in section 45(4)(a) to (d) as the chairperson or deputy chairperson of the transport CCO.

(3) This section prevails over any provision to the contrary in an organisation's constitution.

Section 95: added, on 1 November 2010, by section 31 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

Section 95(2): replaced, on 7 May 2026, by section 17 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Council-controlled organisations must hold specified meetings in public

Heading: added, on 1 November 2010, by section 31 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

96 Council-controlled organisations must hold specified meetings in public

(1) The board of each council-controlled organisation of the Auckland Council (except Watercare Services Limited) must nominate, in its statement of intent for each financial year, 2 of its meetings during that year to be open to members of the public.

(2) For the purpose of subsection (1),—

(a) 1 meeting must be held before 30 June each year for the purpose of considering comments from shareholders on the organisation's draft statement of intent for the following financial year; and

(b) the other meeting must be held after 1 July each year for the purpose of considering the organisation's performance under its statement of intent in the previous financial year.

(3) The statement of intent must also specify how the meetings will be publicly notified (for example, by notice in 1 or more newspapers).

(4) In respect of each meeting held in accordance with this section, the board must allocate a reasonable amount of time for members of the public attending the meeting to address the board in relation to the subject matter of the meeting.

(5) Meetings held pursuant to this section shall be subject to the rules and requirements that normally apply to the meetings of the board of the council-controlled organisation (including, for example, under its constitution), provided that this section prevails in the event of any conflict between this section and the rules and requirements that normally apply to meetings of the board.

Section 96: added, on 1 November 2010, by section 31 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

Section 96(1): amended, on 27 August 2025, by section 172 of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

96A Timing of public meeting for shareholder feedback on 2023/2024 statement of intent

[Repealed]

Section 96A: repealed, on the close of 30 September 2023, by section 96A(2).

Disputes between local boards and governing body

Heading: added, on 1 November 2010, by section 31 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

97 Disputes about allocation of decision-making responsibilities, proposed bylaws, or transport matters

(1) Subsection (2) applies if—

(a) 1 or more local boards are dissatisfied with a decision of the governing body under section 17(1); or

(b) a local board is dissatisfied with a decision of the governing body under section 150B(3)(b) or 150E(3)(b) of the Local Government Act 2002; or

(c) the governing body is dissatisfied with a local board's compliance with section 47B(2) in respect of a decision made by the local board.

(2) The local board or boards concerned and the governing body must make reasonable efforts to reach a mutually acceptable and timely resolution of the dispute, having regard to—

(a) the requirements of this Act; and

(b) the current and future well-being of the communities of Auckland, and the interests and preferences of the communities within each affected local board area.

(3) If, after acting under subsection (2), the dispute is still unresolved,—

(a) in the case of a dispute to which subsection (1)(a) or (b) relates, the local board or boards concerned may apply, in writing, to the Local Government Commission for a binding determination on the matter:

(b) in the case of a dispute to which subsection (1)(c) relates, the governing body may apply, in writing, to the Local Government Commission for a binding determination on the matter.

(4) An application must be accompanied by copies of all reports, correspondence, and other information held by the applicant or applicants that are relevant to the matter.

Section 97: added, on 1 November 2010, by section 31 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

Section 97 heading: amended, on 7 May 2026, by section 18(1) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Section 97(1)(b): amended, on 7 May 2026, by section 18(2) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Section 97(1)(c): inserted, on 7 May 2026, by section 18(3) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Section 97(3): replaced, on 7 May 2026, by section 18(4) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Section 97(4): amended, on 7 May 2026, by section 18(5) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

98 Local Government Commission to determine disputes

(1) As soon as practicable after receiving an application under section 97(3), the Local Government Commission must notify the following persons of the application and request them to provide, within 7 days, copies of all reports, correspondence, and other information held by them that is relevant to the matter:

(a) the mayor:

(b) the Council's chief executive:

(c) in the case of an application made under section 97(3)(b), the local board or boards concerned.

(2) After receiving the information specified under subsection (1), the Commission must—

(a) consider that information and the information provided in the application under section 97(4); and

(b) determine the matter, having regard to—

(i) the requirements of this Act; and

(ii) in the case of an application made under section 97(3)(a), the current and future well-being of the communities of Auckland, and the interests and preferences of the communities within each affected local board area; and

(iii) in the case of an application made under section 97(3)(b), whether the disputed decision obstructs the regionally significant transport projects or services concerned (*see* section 47B(2)); and

(iv) any other matter that the Commission considers on reasonable grounds to be relevant.

(3) For the purposes of making a determination, the Commission—

(a) must treat the matter as urgent; and

(b) may make any inquiries that it considers appropriate; and

(c) may (but is not obliged to) hold meetings with the local board or boards, the governing body, or any other person.

(4) The Commission may apportion the actual and reasonable costs incurred by it in making a determination between the local board or boards and the governing body as it thinks fit, having regard to the merits of the initial positions of the board or boards and the governing body.

(5) Any costs apportioned to a local board under subsection (4) must be paid from the local board's budget.

(6) Subsection (7) applies if—

(a) the Commission is required to determine a matter that relates to the content of an adopted LTP; and

(b) the Commission determines that the LTP should be amended.

(7) The Council must amend the LTP to the extent necessary to give effect to the determination and may do so without further authority than this section.

Section 98: added, on 1 November 2010, by section 31 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

Section 98(1): replaced, on 7 May 2026, by section 19 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Section 98(2): replaced, on 7 May 2026, by section 19 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Section 98(6)(a): amended, on 27 November 2010, by section 50 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 98(6)(b): amended, on 27 November 2010, by section 50 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 98(7): amended, on 27 November 2010, by section 50 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

99 Local Government Commission may delegate duty to determine dispute

(1) The Local Government Commission may, in writing, either generally or in a specific instance, delegate its function under section 98 to a committee of the Commission or a member of the Commission.

(2) A committee or member to whom a function is delegated under this section may carry out the function in the same manner and with the same effect as if the function had been conferred directly by this Act and not by delegation.

(3) Subsection (2) applies subject to any direction given or condition imposed by the Commission.

Section 99: added, on 1 November 2010, by section 31 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

Development contributions

Heading: added, on 1 November 2010, by section 31 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

100 Development contributions for transport infrastructure

(1) The Council may include in a policy under section 106 of the Local Government Act 2002 a requirement for development contributions to fund the Council's contribution to the total cost of capital expenditure by the transport CCO.

(2) Subsection (1) applies only if the capital expenditure is capital expenditure that could be funded by development contributions if it were incurred by the Council itself.

(3) The Council may include the requirement as if—

(a) the total cost of the contribution provided by the Council were the total cost of the capital expenditure; and

(b) the capital expenditure were to be undertaken by the Council.

(4) Subpart 5 of Part 8 of the Local Government Act 2002 applies, with any necessary modifications, to development contributions authorised by subsection (1).

(5) This section applies despite anything to the contrary in the Local Government Act 2002.

Section 100: added, on 1 November 2010, by section 31 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

Section 100(1): amended, on 7 May 2026, by section 20 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

101 Development contributions for assets managed by other parties

(1) The powers of the Council to require development contributions under subpart 5 of Part 8 of the Local Government Act 2002 are not affected by any arrangements it has for another person or organisation to manage—

(a) reserves:

(b) network infrastructure:

(c) community infrastructure.

(2) This section is for the avoidance of doubt.

Section 101: added, on 1 November 2010, by section 31 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

Prohibition on establishment of community boards

Heading: added, on 1 November 2010, by section 31 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

102 Prohibition on establishment of community boards

Despite section 49 of the Local Government Act 2002, no community board may be established for any community within Auckland.

Section 102: added, on 1 November 2010, by section 31 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

Review of representation arrangements

Heading: added, on 1 November 2010, by section 31 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

103 Review of representation arrangements under Local Electoral Act 2001

(1) For the purposes of section 19H(2) of the Local Electoral Act 2001, the Council must make—

(a) its first determination no earlier than after the completion of the 2013 triennial general elections but no later than 8 September 2018; and

(b) subsequent determinations at least once in every period of 6 years after that first determination.

(2) *[Repealed]*

(3) *[Repealed]*

Section 103: added, on 1 November 2010, by section 31 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

Section 103(2): repealed, on 8 August 2014, by section 77 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 103(3): repealed, on 8 August 2014, by section 77 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Auditor-General to review Council's service performance

Heading: added, on 1 November 2010, by section 31 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

104 Auditor-General to review Council's service performance

(1) The Auditor-General must, from time to time, review the service performance of the Council and each of its council-controlled organisations.

(2) Part 4 of the Public Audit Act 2001 applies to a review.

(3) The Auditor-General may charge the Council for undertaking a review under this section and, for that purpose, section 42(2) to (5) of the Public Audit Act 2001 applies with any necessary modifications.

(4) Nothing in this section limits or affects the powers of the Auditor-General under the Public Audit Act 2001.

Section 104: added, on 1 November 2010, by section 31 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

Council employee elected to local board must resign before taking up position

Heading: added, on 1 November 2010, by section 31 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

105 Council employee elected to local board must resign before taking up position

An employee of the Council who is elected to be a member of a local board must resign from his or her position as an employee of the Council before taking up his or her position as a member of the local board.

Section 105: added, on 1 November 2010, by section 31 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

Representation on port company board

Heading: added, on 1 November 2010, by section 31 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

106 Representation on port company board

For the purposes of section 6(1)(b) of the Port Companies Act 1988, any council-controlled organisation of the Auckland Council that holds equity securities in a port company (within the meaning of that Act) must be treated as if it were a regional council.

Section 106: added, on 1 November 2010, by section 31 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

Borrowing in foreign currency

Heading: added, on 20 September 2011, by section 4 of the Local Government (Auckland Council) Amendment Act 2011 (2011 No 78).

107 Borrowing in foreign currency

Despite section 113 of the Local Government Act 2002, the Auckland Council may borrow or enter into incidental arrangements, within or outside New Zealand, in currency other than New Zealand currency.

Section 107: added, on 20 September 2011, by section 4 of the Local Government (Auckland Council) Amendment Act 2011 (2011 No 78).

Schedule 1AA
Transitional, savings, and related provisions

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Schedule 1AA: inserted, on 10 May 2016, by section 7 of the Local Government (Auckland Council) Amendment Act 2016 (2016 No 19).

Part 1
Provision relating to Local Government (Auckland Council) Amendment Act 2016

Schedule 1AA Part 1: inserted, on 24 August 2023, by section 75 of the Spatial Planning Act 2023 (2023 No 47).

1 Existing membership of local boards not affected

Nothing in section 11AA affects the current membership of any person who is a member of more than 1 local board at the commencement of the Local Government (Auckland Council) Amendment Act 2016.

Part 2
Provision relating to Spatial Planning Act 2023

[Repealed]

Schedule 1AA Part 2: repealed, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

2 Application of provisions relating to spatial plan for Auckland

[Repealed]

Schedule 1AA clause 2: repealed, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Part 3
Provisions relating to Local Government (Auckland Council) (Transport Governance) Amendment Act 2026

Schedule 1AA Part 3: inserted, on 7 May 2026, by section 21(a) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

3 Interpretation

In this Part, unless the context otherwise requires,—

additional powers and functions means the powers and functions of the transport CCO that are—

(a) set out in clause 8(1); but

(b) not functions or powers of the transport CCO under Part 4 of the new Act

affected employee means an employee of Auckland Transport immediately before the commencement date

amendment Act means the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026

Auckland Transport bylaws means the following bylaws made by either or both Auckland Transport and the Auckland Council:

(a) Activities in the Road Corridor Bylaw 2022:

(b) Auckland Council and Auckland Transport Te Ture ā-Rohe mo nga Tohu 2022 / Signs Bylaw 2022:

(c) Auckland Transport and Auckland Council Te Ture ā-Rohe mō te Whakamahinga me te Whakatūnga Waka 2025 | Vehicle Use and Parking Bylaw 2025:

(d) Auckland Transport Speed Limits Bylaw 2019

commencement date means the date on which the amendment Act comes into force

KiwiRail has the meaning set out in section 5(1) of the Land Transport Management Act 2003

new Act means this Act as in force immediately on and after the commencement date

New Zealand Transport Agency has the meaning set out in section 37(1)

old Act means this Act as in force immediately before the commencement date

transition director means the person appointed under clause 14

transition plan means the plan approved by the governing body of the Auckland Council under clause 15

transitional period means the period beginning on the commencement date and ending on the earlier of the following:

(a) the date that is 6 months after the commencement date:

(b) the date on which the transport CCO has stopped performing or exercising all additional powers and functions in accordance with a direction made under clause 8(2).

Schedule 1AA clause 3: inserted, on 7 May 2026, by section 21(a) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Procedural matters relating to transitional period

Schedule 1AA heading: inserted, on 7 May 2026, by section 21(a) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

4 Subpart 1 of Part 6 of the Local Government Act 2002 to not apply in respect of transitional matters

(1) During the transitional period, the Auckland Council is not required to comply with the obligations and responsibilities set out in subpart 1 of Part 6 of the Local Government Act 2002 in respect of the exercise of powers, performance of functions, and making of decisions (the **specified actions**) that are necessary to give effect to the transition from the old Act to the new Act.

(2) The specified actions include, but are not limited to, those required to amend the LTP, such as for the purposes of clause 9 (for example, use of the special consultative procedure in accordance with sections 93A to 93G of the Local Government Act 2002).

Schedule 1AA clause 4: inserted, on 7 May 2026, by section 21(a) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Establishment of ARTC

Schedule 1AA heading: inserted, on 7 May 2026, by section 21(a) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

5 Appointment of members

The persons responsible for appointing the members of the ARTC in accordance with sections 38D to 38F must make those appointments within the period of 3 months after the commencement date.

Schedule 1AA clause 5: inserted, on 7 May 2026, by section 21(a) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

6 Performance of functions during establishment

(1) During the period between the commencement date and every person responsible for appointing the members of the ARTC making those appointments, the functions of the ARTC must be performed by the permanent advisors.

(2) During the period referred to in subclause (1), a reference in the Land Transport Management Act 2003 to something that is done by or in relation to the ARTC must be read as a reference to something that is done by or in relation to the permanent advisors.

(3) Subclauses (1) and (2) cease to have effect when either of the following events occur:

(a) every person responsible for appointing the members of the ARTC has made those appointments:

(b) the period referred to in clause 5 expires.

Schedule 1AA clause 6: inserted, on 7 May 2026, by section 21(a) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

First 30-year transport plan for Auckland

Schedule 1AA heading: inserted, on 7 May 2026, by section 21(a) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

7 First 30-year transport plan for Auckland

The ARTC must complete the first 30-year transport plan for Auckland on or before the date set by the Minister of Transport and the mayor.

Schedule 1AA clause 7: inserted, on 7 May 2026, by section 21(a) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Functions and powers of transport CCO and Auckland Council during transitional period

Schedule 1AA heading: inserted, on 7 May 2026, by section 21(a) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

8 Transport CCO has additional powers and functions during transitional period

(1) For the transitional period, the transport CCO has the functions and powers of Auckland Transport under sections 45 and 46 of the old Act, except the functions and powers under the following provisions of the old Act:

- (a) section 45(a):
- (b) section 46(1)(g) to the extent that it relates to the power to make a bylaw under Part 3 of the Land Transport Act 1998 (*see* clause 16(4)):
- (c) section 46(1)(h) to the extent that it relates to the power to make a bylaw under subparts 1 and 2 of Part 8 of the Local Government Act 2002:
- (d) section 46(1)(i):
- (e) section 46(1)(j) to the extent it relates to the preparation of a regional public transport plan under sections 117 to 129 of the Land Transport Management Act 2003.

(2) During the transitional period, in respect of an additional power or function,—

- (a) the Auckland Council may direct the transport CCO to stop exercising that power or performing that function; and
- (b) if the Auckland Council makes that direction, this clause no longer applies to that power or function.

(3) During the transitional period, the transport CCO must—

- (a) co-operate with the transition director for the purposes of the development of the transition plan; and
- (b) for that purpose, disclose information to the transition director upon request as soon as practicable.

(4) To the extent that a function or power of the transport CCO under subclause (1) conflicts with those of the Auckland Council in Part 4 of the new Act, this

Part prevails until a direction in respect of that function or power is made under subclause (2).

Schedule 1AA clause 8: inserted, on 7 May 2026, by section 21(a) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

9 Auckland Council must specify public transport activities by end of transitional period

For the purposes of complying with section 46 of the new Act, the Auckland Council must specify, in the LTP, the public transport activities before the end of the transitional period.

Schedule 1AA clause 9: inserted, on 7 May 2026, by section 21(a) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

10 Transfer of requiring authority status from transport CCO to Auckland Council

(1) On the transfer date, the Auckland Council is treated as the requiring authority in relation to any matter for which the transport CCO is the requiring authority immediately before the transfer date, for the purposes of Part 8 of the Resource Management Act 1991.

(2) In this clause, **transfer date** means the date that is the earlier of the following:

(a) the date on which the Auckland Council directs the transport CCO, under clause 8(2), to stop performing its function under section 45(b)(ii) of the old Act:

(b) the end of the transitional period.

Schedule 1AA clause 10: inserted, on 7 May 2026, by section 21(a) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

11 Interim governing body of transport CCO during transitional period

(1) On or after the commencement date, the Auckland Council must—

(a) appoint at least 3, but no more than 5, directors as the governing body of the transport CCO for the purposes of section 45 for the duration of the transitional period (the **interim board**); and

(b) in respect of the governing body of Auckland Transport under section 43 of the old Act (the **old board**), notify directors of the old board immediately before the commencement date that the interim board has replaced the old board.

(2) During the transitional period, the interim board must—

(a) take all reasonable steps to ensure that the transition from the old Act to the new Act is efficient and effective; and

(b) ensure that the transport CCO performs its functions and exercises its powers in accordance with clause 8; and

(c) comply with a direction by the Auckland Council under this Act, including under clause 8(2).

(3) Before the end of the transitional period, the Auckland Council must appoint the members of the governing body of the transport CCO under section 45, including its chairperson and deputy chairperson, to replace the interim board, irrespective of whether the members to be appointed are members of the interim board.

Schedule 1AA clause 11: inserted, on 7 May 2026, by section 21(a) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

12 Auckland Council must develop Auckland Roading Classification Framework

The Auckland Council must develop the Auckland Roading Classification Framework under section 48 before the end of the transitional period.

Schedule 1AA clause 12: inserted, on 7 May 2026, by section 21(a) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

13 Transfer of status of Auckland Transport as airport authority

(1) During the transitional period, a reference to Auckland Transport in the Airport Authorities (Auckland Transport) Order 2020 is to be read as a reference to the transport CCO.

(2) On and after the date on which the transitional period ends, a reference to Auckland Transport in the Airport Authorities (Auckland Transport) Order 2020 is to be read as a reference to the Auckland Council.

(3) This clause overrides section 3(4) of the Airport Authorities Act 1966.

Schedule 1AA clause 13: inserted, on 7 May 2026, by section 21(a) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Transition plan for Auckland Council and transport CCO

Schedule 1AA heading: inserted, on 7 May 2026, by section 21(a) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

14 Auckland Council must appoint transition director

On or as soon as practicable after the commencement date, the chief executive of the Auckland Council must appoint a person to prepare the transition plan (the **transition director**).

Schedule 1AA clause 14: inserted, on 7 May 2026, by section 21(a) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

15 Transition director must develop transition plan

(1) The transition director must prepare a transition plan that sets out—

(a) the strategy for, and the timing of, the transition between the old Act and the new Act in relation to the respective functions of the Auckland Council and the transport CCO; and

(b) the status of the roles of affected employees as determined by the transition director under clause 26(1).

(2) The transition plan must be approved by,—

(a) in respect of the matters set out in subclause (1)(a), the governing body of the Auckland Council; and

(b) in respect of the matters set out in subclause (1)(b), the chief executive of the Auckland Council.

Schedule 1AA clause 15: inserted, on 7 May 2026, by section 21(a) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Saving and transition of Auckland Transport instruments and assets

Schedule 1AA heading: inserted, on 7 May 2026, by section 21(a) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

16 Saving of Auckland Transport bylaws

(1) On and after the commencement date, the Auckland Transport bylaws, and resolutions under those bylaws, continue in force and are treated as having been made by the Auckland Council.

(2) However, before the end of the transitional period, the Auckland Council must, in accordance with clause 17,—

(a) review all of the Auckland Transport bylaws; and

(b) amend those bylaws.

(3) Until the Auckland Transport bylaws are reviewed and amended under subclause (2), in relation to the making of a resolution under section 22AB(3) of the Land Transport Act 1998,—

(a) the Auckland Council must not make a resolution under an Auckland Transport bylaw; and

(b) the transport CCO may make a resolution under an Auckland Transport bylaw as if it were a road controlling authority.

(4) On and after the commencement date, the transport CCO must not—

(a) make a bylaw under section 22AB of the Land Transport Act 1998; and

(b) amend or revoke an Auckland Transport bylaw.

(5) Until the Auckland Transport bylaws are reviewed and amended under subclause (2), any reference in the Auckland Transport bylaws to—

(a) Auckland Transport is to be read as if it were a reference to the transport CCO; and

(b) the Auckland transport system is to be read as if it had the meaning given to it in section 37(1) of the old Act.

Schedule 1AA clause 16: inserted, on 7 May 2026, by section 21(a) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

17 Review of Auckland Transport bylaws

(1) This clause applies to the review and amendment of an Auckland Transport bylaw under clause 16(2).

(2) The review and amendment of the Auckland Transport bylaw must be limited to giving effect to the division of responsibilities between the governing body and local boards as set out in sections 47 to 47D, in particular,—

(a) the status of the Auckland Council as the road controlling authority in Auckland (*see* section 47); and

(b) the division of responsibilities in relation to bylaws under section 22AB of the Land Transport Act 1998 (*see* section 47D).

(3) The Auckland Council—

(a) must review and amend the Auckland Transport bylaw in accordance with section 47D(2) and (3) and any requirements of the legislation under which the bylaw was made; but

(b) is not required to comply with the following if the Council is satisfied that the amendment of the bylaw is limited to giving effect to sections 47 to 47D:

(i) the consultation requirements under section 22AD of the Land Transport Act 1998:

(ii) the requirements under section 155(1) and (2) of the Local Government Act 2002.

Schedule 1AA clause 17: inserted, on 7 May 2026, by section 21(a) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

18 Saving and transition of Auckland Transport operating rules

(1) This clause applies to operating rules made under section 49 of the old Act that are in force immediately before the commencement date.

(2) On and after the commencement date, the operating rules continue in effect and are treated as having been made under section 46B by the Auckland Council for the transport CCO.

Schedule 1AA clause 18: inserted, on 7 May 2026, by section 21(a) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

19 Saving and transition of policies and plans of Auckland Transport

(1) This clause applies to a policy or plan made by Auckland Transport—

(a) that is transport-related; and

(b) that is in force immediately before the commencement date; and

(c) irrespective of whether it is required or authorised by an enactment.

(2) On and after the commencement date, a policy or plan continues in effect and is treated as having been made by the Auckland Council.

(3) Before the end of the transitional period, the Auckland Council must—

(a) review the policy or plan; and

(b) retain, amend, or revoke the policy or plan.

(4) However, any review or amendment of a policy or plan under subclause (3) may be limited to giving effect to the division of responsibilities between the governing body and local boards as set out in sections 47 to 47D.

Schedule 1AA clause 19: inserted, on 7 May 2026, by section 21(a) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

20 Transition of Auckland Council delegations to Auckland Transport

(1) This clause applies to a delegation that—

(a) was made by the Auckland Council to Auckland Transport under the old Act or any other enactment; and

(b) is in force immediately before the commencement date.

(2) On and after the commencement date, the delegation continues in force until revoked.

Schedule 1AA clause 20: inserted, on 7 May 2026, by section 21(a) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

21 Transition of New Zealand Transport Agency delegations to Auckland Transport

(1) This clause applies to a delegation that—

(a) was made under an enactment to Auckland Transport by the New Zealand Transport Agency or the Director (as defined in section 5(1) of the Land Transport Management Act 2003); and

(b) is in force immediately before the commencement date.

(2) On and after the commencement date, the delegation continues in force until revoked.

(3) Before the end of the transitional period, the New Zealand Transport Agency or the Director (as the case may be)—

(a) must review the delegation; and

(b) may amend or revoke the delegation.

Schedule 1AA clause 21: inserted, on 7 May 2026, by section 21(a) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

22 Saving of delegations by Auckland Transport

(1) This clause applies to a delegation made under section 54 of the old Act that is in force immediately before the commencement date.

(2) If the delegation is to a committee or an employee of Auckland Transport, the delegation continues in effect and is treated as having been made to a committee or employee of the transport CCO, as the case may be, under section 44A.

(3) If the delegation is to the Auckland Council or any other person not specified in subclause (2), the delegation continues in effect, and is treated as having been made by the transport CCO, until the earlier of the following:

(a) the date on which the transport CCO revokes the delegation:

(b) the end of the transitional period.

(4) Despite subclauses (2) and (3), if the delegation relates to a function of the ARTC, the delegation is revoked on the commencement date.

Schedule 1AA clause 22: inserted, on 7 May 2026, by section 21(a) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

23 Saving of statutory warrants and appointments in relation to Auckland Transport employees

(1) This clause applies to a warrant issued to, or an appointment of, an affected employee—

(a) under—

(i) section 177 of the Local Government Act 2002; or

(ii) section 128D of the Land Transport Act 1998; or

(iii) section 208 of the Land Transport Act 1998; and

(b) in force immediately before the commencement date.

(2) On and after the commencement date, the warrant or appointment continues in force until revoked.

Schedule 1AA clause 23: inserted, on 7 May 2026, by section 21(a) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

24 Continuity and transfer of Auckland Transport's assets, contracts, etc

(1) On the commencement date,—

(a) all assets that were owned by Auckland Transport immediately before the commencement date remain in the ownership of the transport CCO; and

(b) all relevant matters of, or in the name of, Auckland Transport remain the relevant matters of, or in the name of, the transport CCO.

(2) On the date that is the end of the transitional period (the **transfer date**), except as provided in any Order in Council made under clause 25,—

(a) all assets that were owned by the transport CCO immediately before the transfer date are vested in the Auckland Council; and

(b) all relevant matters of, or in the name of, the transport CCO become the relevant matters of, or in the name of, the Auckland Council.

(3) On and after the transfer date, a reference to Auckland Transport or the transport CCO in an instrument or any other document relating to a matter referred to in subclause (2)(a) or (b) must be read as a reference to the Auckland

Council (subject to clause 25(2) and any Order in Council made under clause 25(1)).

(4) In this clause and clause 25, **relevant matters**—

(a) means rights, liabilities, contracts, entitlements, undertakings, engagements, regulatory consents, and any other thing; and

(b) includes resource consents, designations, and notices of requirement issued under the Resource Management Act 1991.

Schedule 1AA clause 24: inserted, on 7 May 2026, by section 21(a) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

25 Transfer of assets, contracts, etc, to other entity by Order in Council

(1) The Governor-General may, by Order in Council made on the recommendation of the Minister of Transport,—

(a) disapply clause 24(2) and (3) in respect of—

(i) a specified asset owned by the transport CCO:

(ii) a specified relevant matter of, or in the name of, the transport CCO:

(b) vest a specified asset owned by the transport CCO in the New Zealand Transport Agency or KiwiRail:

(c) specify a relevant matter of, or in the name of, the transport CCO as a relevant matter of, or in the name of, the New Zealand Transport Agency or KiwiRail.

(2) On and after the date that an Order in Council for the purposes of subclause (1)(b) or (c) comes into force, a reference to Auckland Transport or the transport CCO in an instrument or any other document relating to a matter vested or specified under subclause (1)(b) or (c) must be read as a reference to the New Zealand Transport Agency or KiwiRail (as the case may be).

(3) Before making a recommendation for the purposes of subclause (1), the Minister of Transport must consult the transition director.

(4) An order made under subclause (1)—

(a) must come into force no later than the date on which the transitional period ends; and

(b) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this clause		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Schedule 1AA clause 25: inserted, on 7 May 2026, by section 21(a) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Transfer of Auckland Transport employees and related matters

Schedule 1AA heading: inserted, on 7 May 2026, by section 21(a) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

26 Duties to identify employees and provide employee information

(1) The transition director must determine the role of each affected employee as one of the following:

(a) a role that the Auckland Council requires to carry out its functions under the new Act (*see* clauses 27 and 28 of this schedule):

(b) a role that the transport CCO requires to carry out its functions under the new Act:

(c) a role that the Auckland Council and the transport CCO do not require to carry out their respective functions under the new Act.

(2) The transport CCO must provide employee information to the Auckland Council (including the transition director) if the transition director is satisfied that the information is reasonably necessary to enable—

(a) the transition director to determine to whom offers of employment should be made under clause 27(2); and

(b) the chief executive of the Auckland Council to make offers of employment under clause 27(2).

(3) In this clause, **employee information** includes (without limitation) the following information in relation to an affected employee:

(a) the employee's employment agreement, remuneration, accrued leave entitlements, superannuation scheme benefits, and any service-related benefits and entitlements; and

(b) any employment policies that are part of the employee's conditions of employment; and

(c) records relating to the employee's performance as an employee of the transport CCO; and

(d) records relating to any disciplinary or misconduct matters against the employee.

Schedule 1AA clause 26: inserted, on 7 May 2026, by section 21(a) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

27 Employment of affected employees by Auckland Council

(1) This clause applies in respect of any affected employee who is determined under clause 26(1)(a) to be required by the Auckland Council to carry out its functions under the new Act.

(2) The chief executive of the Auckland Council may offer equivalent employment to the affected employee, being employment that is—

(a) the same or substantially similar in role and duties to the affected employee's existing position; and

(b) on terms and conditions that, overall, are no less favourable than those applying to the employee immediately before the date on which the offer of employment is made to the employee,—

(i) including, without limitation, terms and conditions in relation to the employee's base remuneration and any service-related, redundancy, or superannuation conditions; but

(ii) excluding any existing framework relating to performance-based or other discretionary remuneration that applies to the employee; and

(c) on terms that treat the period of service with the transport CCO (and every other period of service recognised by the transport CCO as continuous service) as if it were continuous service with the Auckland Council.

(3) If the affected employee accepts an offer of employment under subclause (2), the employee's employment by the Auckland Council is to be treated as continuous employment, including for the purpose of service-related entitlements, whether legislative or otherwise.

(4) An affected employee who is offered employment under subclause (2) is not entitled to receive any contractual notice or any payment, benefit, or compensation from the transport CCO or the Auckland Council on the grounds that—

(a) the affected employee's position in the transport CCO has ceased to exist, whether or not the employee accepts the offer; or

(b) the person has ceased to be an employee of the transport CCO as a result of the employee's employment by the Auckland Council.

(5) To avoid doubt, if the affected employee accepts an offer of employment under subclause (2), the employee's employment by the Auckland Council does not—

(a) constitute new employment, including for the purposes of the Holidays Act 2003 or the KiwiSaver Act 2006 or any service-related entitlements or benefits (whether legislative or otherwise); or

(b) treat that employee as a new employee for the purposes of the Employment Relations Act 2000.

(6) This clause overrides—

(a) Part 6A of the Employment Relations Act 2000; and

(b) any employee protection provision in any relevant employment agreement.

Schedule 1AA clause 27: inserted, on 7 May 2026, by section 21(a) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

28 Transfer of other employment rights, duties, liabilities, or obligations of transport CCO on change of employer

(1) This clause applies to any other rights, duties, liabilities, or obligations of the transport CCO (including in relation to any holiday and leave entitlements under the Holidays Act 2003)—

(a) relating to an affected employee who becomes an employee of the Auckland Council under clause 27; and

(b) that existed immediately before the date on which the employee became an employee of the Auckland Council.

(2) The rights, duties, liabilities, and obligations referred to in subclause (1) vest in the Auckland Council on the date on which the employee becomes an employee of the Auckland Council.

Schedule 1AA clause 28: inserted, on 7 May 2026, by section 21(a) of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Schedule 1
Matters to be addressed by Local Government Commission when making determination in relation to southern boundary of Auckland

s 33(2)(c)

1 Interpretation

In this schedule,—

local authorities means the Auckland Council, the Franklin District Council, the Hauraki District Council, the Waikato District Council, the Auckland Regional Council, and the Waikato Regional Council

local authority means the Auckland Council, the Franklin District Council, the Hauraki District Council, the Waikato District Council, the Auckland Regional Council, or the Waikato Regional Council, as the case may be.

2 Determination

The determination may deal with 1 or more of the following matters:

(a) the apportionment and transfer of assets or liabilities or both, or a class or classes of assets or liabilities or both, from the Franklin District Council or the Auckland Regional Council to the Auckland Council, the Hauraki District Council, the Waikato District Council, or the Waikato Regional Council:

(b) the transfer of the provision of services, or a class or classes of services, from the Franklin District Council or the Auckland Regional Council to the Auckland Council, the Hauraki District Council, the Waikato District Council, or the Waikato Regional Council:

(c) the transfer of employees, or a class or classes of employees of the Franklin District Council or the Auckland Regional Council to the Auckland Council, the Hauraki District Council, the Waikato District Council, or the Waikato Regional Council:

(d) the transfer of a statutory obligation from the Franklin District Council or the Auckland Regional Council to the Auckland Council, the Hauraki District Council, the Waikato District Council, or the Waikato Regional Council:

(e) the transfer of a function, duty, or power from the Franklin District Council or the Auckland Regional Council to the Auckland Council, the Hauraki District Council, the Waikato District Council, or the Waikato Regional Council:

(f) any matter incidental to, or required for the purpose of, any of the transfers in paragraphs (a) to (e):

(g) the division of the Hauraki district, the Waikato district, or the Waikato region into wards or constituencies:

(h) the administration of an existing, proposed, or operative district plan or regional plan under the Resource Management Act 1991:

(i) the rates to be set and assessed, over a specified period, in the parts of Hauraki district, Waikato district, or Waikato region that were formerly part of Franklin district (which may differ from the rates set and assessed in other parts of Hauraki district, Waikato district, or Waikato region):

(j) the matters to be included in the annual plan of the Hauraki District Council or the Waikato District Council for the 2010/2011 financial year, in relation to the parts of its district that were formerly part of Franklin district.

3 Objectives

When making the determination, the Local Government Commission must—

(a) satisfy itself that the determination will maximise, in a cost effective manner, the current and future well-being of the local authorities and the communities concerned; and

(b) have regard to—

(i) the area of impact of the responsibilities, duties, and powers of the local authorities; and

(ii) the area of benefit of services provided; and

(iii) any other matters that it considers appropriate.

4 No compensation payable if responsibility transferred

Unless clause 5 applies, if provision is made in the determination for a responsibility to be transferred to, or assumed by, a local authority, provision may not be made for the payment of compensation to the local authority from which that responsibility is transferred or assumed.

5 Payment if undertaking transfer

(1) If the determination provides for the transfer of a trading undertaking from a local authority (**transferor**) to another local authority (**transferee**), the transferor may request the Commission to determine whether any payment for the transfer of that trading undertaking should be made by the transferee to the transferor, and, if so, the amount of the payment.

(2) The Commission may, in considering a request under subclause (1), require the local authorities concerned to each appoint an independent person as an assessor to report to the Commission on whether any payment should be made.

(3) The costs incurred by assessors must be met jointly by the local authorities appointing the assessors.

(4) In making a determination under this clause, the Commission may attach the conditions that it considers desirable.

Schedule 2
Provisions relating to board promoting issues of significance for mana whenua groups and mataawaka of Tamaki Makaurau

s 89

Schedule 2: added, on 1 November 2010, by section 32 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

Appointment to membership and cessation of membership

1 Board's membership

(1) The board consists of 9 members appointed under clauses 5 to 8.

(2) The membership is composed of—

(a) 2 mataawaka representatives; and

(b) 7 mana whenua group representatives.

2 Selection body's establishment and function

(1) A selection body is established when the persons chosen as mana whenua group representatives under clause 4 meet for the first time.

(2) If a person on the selection body tells the Minister of Māori Affairs that he or she resigns, the Minister must notify the mana whenua group that nominated the person and ask the group to nominate a replacement.

(3) The selection body's sole function is to appoint members to the board.

(4) In appointing members to the board, the selection body—

(a) must be guided only by the board's purpose, functions, and powers; and

(b) is not subject to directions from the Auckland Council or any of its committees or councillors; and

(c) may seek advice from any source it considers appropriate.

(5) The selection body ceases to exist when it has performed its function.

(6) If the selection body is unable to perform its function, the Minister of Māori Affairs must appoint the members of the board as if the Minister were the selection body.

3 Costs of selection process

(1) Each mana whenua group must meet the costs of mandating its representatives as persons on the selection body.

(2) The Auckland Council must meet the costs of selecting members of the board.

4 Minister gives notice that mana whenua group representatives needed for selection body

(1) The Minister of Māori Affairs must give written or electronic notice to mana whenua groups that mandated representatives of mana whenua groups are needed for the selection body.

(2) The notice must state a time by which each group must tell the Minister the name of the person who is to be the group's mandated representative on the selection body.

(3) Each mana whenua group that receives the notice may choose 1 person to be its mandated representative on the selection body.

5 Qualifications of members

(1) To be a member of the board, a person must—

(a) be a natural person; and

(b) consent to being appointed to the board; and

(c) not be disqualified under subclause (2).

(2) The following persons are disqualified from being members:

(a) a person who is under 18 years of age:

(b) a person who is an undischarged bankrupt:

(c) a person who is prohibited from being a director or promoter of, or being concerned or taking part in the management of, an incorporated or unincorporated body under the Companies Act 1993, or the Financial Markets Conduct Act 2013, or the Takeovers Act 1993:

(d) a person who is subject to a property order under the Protection of Personal and Property Rights Act 1988:

(e) a person in respect of whom a personal order has been made under that Act that reflects adversely on the person's—

(i) competence to manage his or her own affairs in relation to his or her property; or

(ii) capacity to make or to communicate decisions relating to any particular aspect or aspects of his or her personal care and welfare:

(f) a person who has been convicted of an offence punishable by imprisonment for a term of 2 years or more, or who has been sentenced to imprisonment for any other offence:

(g) a current member of Parliament:

(h) a current Auckland councillor or current local board member:

(i) a person who is disqualified under another Act.

Schedule 2 clause 5(2)(c): amended, on 1 December 2014, by section 150 of the Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70).

6 Selection body chooses mataawaka representatives for board

(1) The selection body must choose the board's 2 mataawaka representatives.

(2) The selection body must choose the mataawaka representatives by following a process that, at a minimum,—

(a) includes public notification of the process that the body proposes to use for choosing the representatives; and

(b) provides an opportunity for nominations to be received; and

(c) requires the body to take into account the views of mataawaka when choosing the representatives.

(3) The selection body must apply clause 5 when choosing the 2 mataawaka representatives.

7 Selection body chooses mana whenua group representatives for board

(1) The selection body must choose the board's 7 mana whenua group representatives.

(2) The selection body may choose people on the selection body for the board.

(3) The selection body must apply clause 5 when choosing the 7 mana whenua group representatives.

8 Process for appointing members

(1) A person whom the selection body is proposing to appoint to the board must give a written certificate to the selection body stating that the person—

(a) is not disqualified under clause 5(2); and

(b) consents to being appointed to the board.

(2) The selection body must give the members it chooses a certificate of appointment that—

(a) states the date on which the appointment starts; and

(b) is signed by at least 2 persons on the body.

(3) The selection body must give copies of the certificates of appointment to—

(a) the Minister of Māori Affairs; and

(b) the Auckland Council.

(4) The selection body must complete the process in this clause at least 2 months before the ending of the terms of office of the members of the board.

9 Cessation of membership

(1) The term of office of a member of the board is 3 years.

(2) A member of the board remains a member until the earliest of the following:

(a) he or she becomes disqualified under clause 5(2):

(b) he or she is removed under clause 10:

(c) his or her term of office ends:

(d) he or she dies:

(e) he or she resigns.

(3) A member may resign from the board by giving 4 weeks' written or electronic notice to—

(a) the board; and

(b) the Minister of Māori Affairs.

(4) If a member of the board dies or resigns or is removed under clause 10, the selection body must appoint a replacement member in the manner described in whichever of clause 6 or 7 applies.

(5) However, if the member dies or resigns or is removed under clause 10 less than 12 months before polling day for the next election of the Auckland Council, the remaining members of the board may choose not to have a replacement member appointed before polling day.

(6) A replacement member's term of office is the uncompleted term of the member he or she replaces.

(7) Members may be reappointed.

10 Removal of members

(1) A majority of the board may, at any time for just cause,—

(a) remove a member appointed by the selection body:

(b) remove a member appointed as a member of an Auckland Council committee under section 85.

(2) In subclause (1), **just cause** includes misconduct, inability to perform the functions of office, neglect of duty, and breach of any of the collective duties of the board or the individual duties of members (depending on the seriousness of the breach).

(3) The removal must be made by written notice to the member (with a copy to the Minister of Māori Affairs and the Auckland Council).

(4) The notice must—

(a) state the date on which the removal takes effect, which must not be earlier than the date on which the notice is received; and

(b) state the reasons for the removal.

(5) The board may remove a member with as little formality and technicality, and as much expedition, as is permitted by—

(a) the principles of natural justice; and

(b) a proper consideration of the matter; and

(c) the requirements of this Act.

11 No compensation for loss of office

A member of the board is not entitled to any compensation or other payment or benefit relating to his or her ceasing, for any reason, to hold office as a member.

Meetings

12 Chairperson and deputy

(1) The board must appoint a member to act as chairperson and a member to act as deputy chairperson at the first meeting after each ending of a term of appointment.

(2) The chairperson and the deputy chairperson each hold office until the earlier of—

(a) the passage of 3 years:

(b) polling day for the Auckland Council.

(3) When a member's term of appointment as chairperson ends, the member may be reappointed as chairperson, or may be appointed as deputy chairperson, more than once.

(4) When a member's term of appointment as deputy chairperson ends, the member may be appointed as chairperson, or may be reappointed as deputy chairperson, more than once.

13 Setting up meetings

(1) The board—

(a) must hold 6 meetings a year; and

(b) may hold as many more meetings as are necessary to enable it to carry out its purpose.

(2) Notices of meetings must be given as follows:

(a) the notice must be given at least 5 working days before a meeting:

(b) the chairperson must give the notice:

(c) the notice must be given to each member:

(d) the notice must state the date, time, and place of the meeting:

(e) the notice must be given by hand, by post, or by an electronic means.

(3) A member may waive the requirement of giving notice of a meeting to him or her.

(4) A member may request leave of absence from a particular meeting.

14 At meetings

(1) The board must keep and approve the minutes of its meetings. The properly kept and approved minutes are prima facie evidence of the business transacted at the meetings.

(2) A member has the right to attend any meeting, unless lawfully excluded.

(3) A member unable to attend a meeting in person may attend by way of an electronic means.

(4) The quorum for meetings is 5 members, who must include the chairperson or deputy chairperson.

(5) A meeting is properly constituted if a quorum is present.

(6) At least a quorum must be present during the whole of the time at which the business is transacted at the meeting.

(7) The board may invite to meetings any advisers who the board considers necessary to facilitate the efficient transaction of the meeting's business.

(8) The board may implement rules and procedures to ensure that it reaches decisions following—

(a) the highest level of good-faith engagement; and

(b) consensus decision making.

15 Members bound by decisions

Members are bound by the decisions made by the board and must not take steps to undermine the decisions.

Validity and invalidity

16 Appointments, meetings, and actions

(1) The appointment of a member is not invalid because of a defect in the appointment.

(2) A meeting is not invalid if a member does not receive a notice of the meeting or does not receive it in time unless—

(a) the person responsible for giving the notice is proved to have acted in bad faith or without reasonable care; and

(b) the member concerned did not attend the meeting.

(3) Nothing done by the board is invalid because of—

(a) a vacancy in the membership of the board at the time the thing was done; or

(b) the subsequent discovery of a defect in the appointment of a person acting as a member; or

(c) the subsequent discovery that the person was incapable of being a member.

Remuneration, expenses, liabilities, and funding

17 Remuneration

(1) The Auckland Council must appoint an independent expert to inform it of appropriate fees for the Council to pay the members of the board.

(2) The Auckland Council must appoint the independent expert as soon as practicable after it is elected.

(3) The independent expert—

(a) must consider the board's purpose, functions, and powers; and

(b) must discuss the matter with the Auckland Council and the board; and

(c) may discuss the matter with anyone else he or she considers necessary; and

(d) must make a recommendation to the board.

(4) The independent expert must inform the board and the Auckland Council of the appropriate fee for—

(a) the chairperson; and

(b) the deputy chairperson; and

(c) other board members.

(5) The Auckland Council must act in accordance with the information provided to it by the independent expert.

18 Expenses

A member of the board is entitled, in accordance with the fees framework (as defined in section 10(1) of the Crown Entities Act 2004), to be reimbursed for actual and reasonable travelling and other expenses incurred in performing his or her functions and duties as a member.

19 Liabilities

A member is not liable for anything done or omitted in good faith in the performance of the board's functions or the exercise of its powers.

20 Funding

(1) To enable the board to carry out its purpose, perform its functions, and exercise its powers, the Auckland Council must meet the reasonable costs of—

(a) the board's operations; and

(b) the board's secretariat; and

(c) establishing committees under section 86; and

(d) seeking and obtaining advice under section 86.

(2) The board and the Council must make a funding agreement every year on the amount of money and the level of servicing that the Council is to provide to the board.

(3) The agreement must include the board's work plan for the year.

(4) The agreement must include—

(a) the fees payable to the board's members under clause 17; and

(b) provision for payment of reasonable expenses under clause 18.

(5) The board and the Council must negotiate the agreement in good faith.

(6) The agreement is to be made within a time that enables the board to continue to carry out its purpose without interruption.

(7) The board or the Council may initiate a review of the funding agreement by giving a written or electronic notice to the other party stating the terms of the review.

Conflict of interest disclosure rules

21 Duty to act in good faith and not at expense of board's interests

A member of the board must, when acting as a member, act in good faith and not pursue his or her own interests at the expense of the board's interests.

22 When interests must be disclosed

(1) In this clause, **matter** means—

(a) the board's performance of its functions or exercise of its powers; or

(b) an arrangement, agreement, or contract made or entered into, or proposed to be entered into, by the board.

(2) A person is **interested** in a matter if he or she—

(a) may derive a financial benefit from the matter; or

(b) is the spouse, civil union partner, de facto partner, child, or parent of a person who may derive a financial benefit from the matter; or

(c) may have a financial interest in a person to whom the matter relates; or

(d) is a partner, director, officer, board member, or trustee of a person who may have a financial interest in a person to whom the matter relates; or

(e) may be interested in the matter because this Act so provides; or

(f) is otherwise directly or indirectly interested in the matter.

(3) However, a person is not interested in a matter—

(a) only because he or she is a member of a mana whenua group or mataawaka group; or

(b) because he or she receives an indemnity, insurance cover, remuneration, or other benefits authorised under this Act; or

(c) if his or her interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence him or her in carrying out his or her responsibilities under this Act; or

(d) if this Act provides that he or she is not interested, despite this clause.

23 Obligation to disclose interest

(1) A member who is interested in a matter relating to the board must disclose details of the interest in accordance with clause 24 as soon as practicable after the member becomes aware that he or she is interested.

(2) A general notice of an interest in a matter relating to the board, or in a matter that may in future relate to the board, that is disclosed in accordance with clause 24 is a standing disclosure of that interest for the purposes of this clause.

(3) A standing disclosure ceases to have effect if the nature of the interest materially alters or the extent of the interest materially increases.

24 Where and to whom disclosure of interest must be made

The member must disclose details of the interest in an interests register kept by the board and to—

(a) the chairperson or, if there is no chairperson or if the chairperson is unavailable or interested, the deputy chairperson; and

(b) the Auckland Council.

25 What must be disclosed

The details that must be disclosed under clause 24 are—

(a) the nature of the interest and the monetary value of the interest (if the monetary value can be quantified); or

(b) the nature and extent of the interest (if the monetary value cannot be quantified).

26 Consequences of being interested in matter

A member who is interested in a matter relating to the board—

(a) must not vote or take part in any discussion or decision of the board or any committee relating to the matter, or otherwise participate in any activity of the board that relates to the matter; and

(b) must not sign any document relating to the entry into a transaction or the initiation of the matter; and

(c) is to be disregarded for the purpose of forming a quorum for that part of a meeting of the board or committee during which a discussion or decision relating to the matter occurs or is made.

27 Permission to act despite being interested in matter

(1) The chairperson of the board may, by prior written notice to the board, permit 1 or more members, or members with a specified class of interest, to do anything otherwise prohibited by clause 26 if the chairperson is satisfied that it is in the public interest to do so.

(2) The permission may state conditions that the member must comply with.

(3) The deputy chairperson may give the permission if there is no chairperson or if the chairperson is unavailable or interested.

(4) The permission may be amended or revoked in the same way as it may be given.

(5) The board must disclose an interest to which a permission relates in its annual report, together with a statement of who gave the permission and any conditions or amendments to, or revocation of, the permission.

Delegation

28 Ability to delegate

(1) The board may delegate any of its functions or powers, either generally or specifically, to any of the following persons by resolution and written notice to the person or persons:

(a) a member or members:

(b) the executive officer or any other member of the secretariat:

(c) a committee:

(d) any other person or persons approved by the board:

(e) any class of persons that comprise any of the persons listed in paragraphs (a) to (d).

(2) Subclause (1) does not apply to any functions or powers specified in this Act as not being capable of delegation.

(3) The board must not delegate the general power of delegation.

(4) A board member must not delegate the function of attending the board's meetings.

29 Powers of delegate

(1) A delegate to whom any function or power of the board is delegated may, unless the delegation provides otherwise, perform the function or exercise the power in the same manner, subject to the same restrictions, and with the same effect as if the delegate were the board.

(2) A delegate who purports to perform a function or exercise a power under a delegation—

(a) is, in the absence of proof to the contrary, presumed to do so in accordance with the terms of that delegation; and

(b) must produce evidence of his or her authority to do so, if reasonably requested to do so.

30 Effect of delegation on board

No delegation in accordance with this Act—

(a) affects or prevents the performance of any function or the exercise of any power by the board; or

(b) affects the responsibility of the board for the actions of any delegate acting under the delegation; or

(c) is affected by any change in the membership of the board or of any committee or class of persons or by any change in an office holder, executive officer, or employee.

31 Revocation of delegations

A delegation under clause 28 may be revoked at will by—

(a) resolution of the board and written notice to the delegate; or

(b) any other method provided for in the delegation.

Accountability

32 Reporting and audit

(1) The board must prepare an annual report.

(2) The report—

(a) must include the dates and times of the board's meetings in the financial year; and

(b) must include a summary of the board's activities in the financial year; and

(c) may include anything else that the board wants to put in it.

(3) The board must publish the report and provide copies to the Auckland Council and the selection body.

(4) The obligations of the board under the Public Finance Act 1989 are the responsibility of the members of the board.

(5) The board is a public entity as defined in section 5 of the Public Audit Act 2001.

Servicing

33 Board's secretariat

(1) The board must have a secretariat to support it in carrying out its purpose.

(2) The staff of the secretariat must be employed by the Auckland Council on terms and conditions no less favourable than those of staff employed by the Council to do jobs equivalent to those done by the staff of the secretariat.

(3) The board and the Auckland Council must agree on the person to be appointed as the secretariat's executive officer.

(4) The board instructs and directs the executive officer and the other staff of the secretariat in their roles.

Disputes

34 Resolution of disputes

(1) This clause applies to the following disputes, if the dispute cannot be resolved within a reasonable time:

(a) a dispute between the board and the selection body:

(b) a dispute between members of the board:

(c) a dispute between members of the selection body.

(2) Depending on the parties to the dispute, the board and the selection body or the board or the selection body must try in good faith to agree on a process for resolving the dispute.

(3) Processes that the board and the selection body or the board or the selection body may consider include, but are not limited to,—

(a) further negotiations:

(b) mediation:

(c) determination of the dispute by an independent expert.

(4) If the board and the selection body or the board or the selection body remain unable to resolve the dispute,—

(a) the Minister of Māori Affairs must—

(i) give the dispute proper consideration, having due regard to the board's purpose and the principles of natural justice; and

(ii) take steps to resolve the dispute; and

(b) the board and the selection body or the board or the selection body must co-operate with the Minister.

Schedule 3
Conflicts of interest

s 40A

Schedule 3: inserted, on 7 May 2026, by section 22 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

1 When interests must be disclosed

(1) In this schedule, **matter** means the ARTC's performance of its functions set out in section 38A.

(2) A member of the ARTC is **interested** in a matter if they—

(a) may derive a financial benefit from the matter; or

(b) are the spouse, civil union partner, de facto partner, child, or parent of a person who may derive a financial benefit from the matter; or

(c) may have a financial interest in a person to whom the matter relates; or

(d) are a partner, director, officer, board member, or trustee of a person who may have a financial interest in a person to whom the matter relates; or

(e) are otherwise directly or indirectly interested in the matter.

(3) However, a member is not interested in a matter—

(a) because they receive remuneration or expenses authorised under this Act or another Act; or

(b) if their interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence them in carrying out their responsibilities under this Act or the Land Transport Management Act 2003; or

(c) only because they have past or current involvement in the relevant sector, industry, or practice.

Schedule 3 clause 1: inserted, on 7 May 2026, by section 22 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

2 Obligation to disclose interest

(1) A member who is interested in a matter must disclose details of the interest in accordance with clause 3 as soon as practicable after the member becomes aware that they are interested.

(2) A general notice of an interest in a matter or a possible future matter that is disclosed in accordance with clause 3 is a standing disclosure of that interest for the purposes of this clause.

(3) A standing disclosure ceases to have effect if the nature of the interest materially alters or the extent of the interest materially increases.

Schedule 3 clause 2: inserted, on 7 May 2026, by section 22 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

3 Who disclosure of interests must be made to

(1) The member must disclose details of the interest in an interests register kept by the ARTC.

(2) The ARTC must provide a copy of the interests register to the Minister of Transport and the mayor at least every 3 months.

Schedule 3 clause 3: inserted, on 7 May 2026, by section 22 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

4 What must be disclosed

The details that must be disclosed under clause 3 are—

(a) the nature of the interest and the monetary value of the interest (if the monetary value can be quantified); or

(b) the nature and extent of the interest (if the monetary value cannot be quantified).

Schedule 3 clause 4: inserted, on 7 May 2026, by section 22 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

5 Consequences of being interested in matter

A member who is interested in a matter—

(a) must not vote or take part in any discussion or decision relating to the matter, or otherwise participate in any activity that relates to the matter; and

(b) must not sign any document relating to the initiation of the matter; and

(c) is to be disregarded for the purpose of forming a quorum (if a quorum is required by standing orders) for that part of a meeting during which a discussion or decision relating to the matter occurs or is made.

Schedule 3 clause 5: inserted, on 7 May 2026, by section 22 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

6 Consequences of failing to disclose interest

(1) The ARTC must notify the Minister of Transport and the mayor of a failure to comply with clause 2 or 5, and of the acts affected, as soon as practicable after becoming aware of the failure.

(2) A failure to comply with clause 2 or 5 does not affect the validity of an act or matter.

(3) However, subclause (2) does not limit the right of any person to apply, in accordance with law, for judicial review.

Schedule 3 clause 6: inserted, on 7 May 2026, by section 22 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

7 Permission to act despite being interested in matter

(1) The chairperson may, by making an entry in the interests register, permit 1 or more members, or members with a specified class of interest, to do anything otherwise prohibited by clause 5 if the chairperson is satisfied that it is in the public interest to do so.

(2) The permission may state conditions that the member must comply with.

(3) If there is no chairperson, or if the chairperson is unavailable or interested, the permission may be given jointly by the Minister of Transport and the mayor.

(4) The permission may be amended or revoked in the same way as it may be given.

Schedule 3 clause 7: inserted, on 7 May 2026, by section 22 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

8 ARTC may avoid certain acts done in breach of conflict of interest rules

(1) The ARTC may avoid a natural person act done by the ARTC in respect of which a member was in breach of clause 5.

(2) However, the act may be avoided only within 3 months after the affected act is disclosed to the Minister of Transport and the mayor under clause 6.

(3) If an affected act is disclosed to the Minister of Transport and the mayor at different times, the 3-month period is calculated by reference to the earlier disclosure.

(4) An act in which a member is interested can be avoided on the ground of the member's interest only in accordance with this clause.

Schedule 3 clause 8: inserted, on 7 May 2026, by section 22 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Schedule 4
Local boards' powers, functions, and responsibilities in relation to local roads and collector roads in Auckland

s 47C

Schedule 4: inserted, on 7 May 2026, by section 22 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

Provision	Description	Exclusions
Government Roading Powers Act 1989:		
Section 54(2)(a) to (c) and (3)	Functions and responsibilities of a controlling authority in relation to the removal of a structure	
Section 55(2)(a) to (f)	Powers of a responsible authority in relation to an owner or occupier of any land adjoining a road or public work	
Section 96(1)	Administration of a limited access road passed to a territorial authority	
Local Government Act 1974:		
Section 319(1)(a)	Power to construct, upgrade, and repair a road to the extent that it is a cycle track	Power to construct, upgrade, or repair a road to the extent that it is not a cycle track
Section 319(1)(f)	Power to determine what part of a road must be a carriageway, footpath, or cycle track	
Section 319(1)(j)	Power to name and to alter the name of any road and to place a plate bearing the name of the road on any building or erection on, or abutting on, the road	
Section 331	Power to form or upgrade footpaths	Power to impose a charge under section 331(1)
Section 332	Power to form a public cycle track	Power to take, purchase, or otherwise acquire land for the purpose of constructing the cycle track under section 332(2)
Section 333(1) and (2)	Powers of a council in relation to constructing, erecting, growing, altering, or removing the specified devices on, or from, any road	
Section 334(1)(b)	Power to lay out or plant grass plots, flower beds, or trees on a road and prohibit traffic on those plots or flower beds	
Section 334(1)(c)	Power to erect a monument, statue, or other erection	
Section 334(1)(d)	Power to construct or provide facilities on, over, or under any road (for the purposes specified in that provision)	
Section 336(1)	Powers relating to pedestrian malls	
Section 341(1)(a)	Power to grant a lease of, or any part of, the airspace above the surface of a road	

Provision	Description	Exclusions
Section 346A	Power to declare a road to be a limited access road and to revoke the status of a road as a limited access road	
Section 355(1) and (9)	Powers of a council in relation to removal, etc, of objects	
Section 591(1)(d)	Power to authorise any part of a road for use as a parking place	
Schedule 10, clauses 11(e), 11A, and 11B	Power to close a road to traffic and associated powers and responsibilities of a council	
Land Transport Rule: Setting of Speed Limits 2024:		
All	Powers and responsibilities of a territorial authority that is a road controlling authority in relation to speed limits (including speed limits around schools and temporary speed limits)	
Land Transport Rule: Street Layouts 2023:		
Clauses 2.1 to 2.3	Powers and responsibilities of a road controlling authority in relation to a roadway within its control	
Section 3	Powers and responsibilities of a road controlling authority in relation to installing pilots	
Section 4	Powers and responsibilities of a road controlling authority in relation to authorising a community street	
Land Transport Rule: Traffic Control Devices 2004:		
Clause 6.2(2)	Power to install additional traffic signals	
Clause 6.4(21)	Power to install temporary traffic signals	
Section 7	Power to provide traffic control devices	
Clause 8.2(1) and (2)	Power to mark a pedestrian crossing on a road	
Clause 8.3(1) and (3)	Power to authorise, and to withdraw the authorisation of, the Board of Trustees of a school to appoint persons as members of school patrols	
Clause 8.4	Power to provide a school crossing point	
Clause 10.6	Power to mark a road surface to indicate the area that a road user must not enter when the road user's intended passage through that area is blocked by traffic	
Clause 11.4(4)	Power to install facilities for the parking, standing, or storage of specified things	
Clause 12.4	Designation of an area of road as a loading zone, reserved parking, or time-restricted parking	
Transport (Vehicular Traffic Road Closure) Regulations 1965:		
Regulation 3	Power to close a road	

Notes

1 General

This is a consolidation of the Local Government (Auckland Council) Act 2009 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Local Government (System Improvements) Amendment Act 2026 (2026 No 64): sections 49, 50

Emergency Management Act 2026 (2026 No 53): section 235

Infrastructure Funding and Financing Amendment Act 2026 (2026 No 46): Part 2 subpart 2

Regulatory Systems (Internal Affairs) Amendment Act 2026 (2026 No 26): section 155

Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15)

Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43): section 172

Local Government (Water Services Preliminary Arrangements) Act 2024 (2024 No 31): sections 108–113

Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68): section 6

Local Government Electoral Legislation Act 2023 (2023 No 57): Part 3

Spatial Planning Act 2023 (2023 No 47): section 75

Infrastructure Funding and Financing Act 2020 (2020 No 47): section 161

Privacy Act 2020 (2020 No 31): section 217

Local Government (Auckland Council) Amendment Act 2016 (2016 No 19)

Local Government Act 2002 Amendment Act 2014 (2014 No 55): section 77

Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70): section 150

Land Transport Management Amendment Act 2013 (2013 No 35): section 72

Local Government Act 2002 Amendment Act 2012 (2012 No 93): section 43

Local Government (Auckland Council) Amendment Act 2011 (2011 No 78)

Local Government (Auckland Council) Amendment Act 2010 (2010 No 36)

Local Government (Auckland Council) Act 2009 (2009 No 32): section 96A(2)

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