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Local Government (Auckland Transitional Provisions) Act 2010

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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 Department of Internal Affairs.

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1 Title

This Act is the Local Government (Auckland Transitional Provisions) Act 2010.

2 Commencement

(1) Parts 1 and 3 (except section 113(2)) come into force on 1 November 2010.

(2) Section 113(2) comes into force on 1 July 2012.

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

3 Purpose of this Act

(1) The purpose of this Act is to resolve further matters relating to the reorganisation of local government in Auckland begun under the Local Government (Tamaki Makaurau Reorganisation) Act 2009 and continued under the Local Government (Auckland Council) Act 2009.

(2) To this end, this Act—

(a) provides transitional arrangements for the operation of the Auckland Council and other local authorities affected by the reorganisation; and

(b) provides transitional arrangements in relation to employees affected by the reorganisation, the continuation of collective agreements, and collective bargaining in advance of the reorganisation; and

(c) amends and repeals certain enactments; and

(d) provides a process for the development of the first combined planning document for Auckland Council under the Resource Management Act 1991.

Section 3(2)(c): amended, on 4 September 2013, by section 4(1) of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

Section 3(2)(d): inserted, on 4 September 2013, by section 4(2) of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

4 Application of Legislation Act 2012

[Repealed]

Section 4: repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

5 Transitional regulations

(1) *[Expired]*

(2) Subsection (1) expires at the close of 31 October 2013.

(3) Any regulations made under subsection (1) that are in force on 31 October 2013 expire at the close of that day.

(4) *[Repealed]*

(5) The Minister for the Environment must not recommend the making of regulations under subsection (4) unless he or she is satisfied that the regulations—

(a) are necessary or desirable for the efficient and orderly development of the first Auckland combined plan; and

(b) address unforeseen situations or unforeseen issues arising in the preparation of that plan; and

(c) are consistent with the purposes of this Act.

(6) In addition, the Minister for the Environment must not recommend the making of regulations under subsection (4) unless he or she has first consulted the Auckland Council and the Hearings Panel (if it exists then) on the proposed regulations.

(7) Subsection (4) is repealed at the close of the following, and any regulations made under that subsection that are in force at that time are revoked and have no further legal effect:

(a) 1 July 2017, if no extension to the deadline referred to in section 146 is granted under section 147:

(b) 1 July 2018, if 1 or more extensions to the deadline referred to in section 146 are granted under section 147.

Section 5(1): expired, on 1 November 2013, by section 5(2).

Section 5(2): amended, on 4 September 2013, by section 5(2) of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

Section 5(3): amended, on 4 September 2013, by section 5(3) of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

Section 5(4): repealed, on the close of 1 July 2017, by section 5(7)(a).

Section 5(5): inserted, on 4 September 2013, by section 5(4) of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

Section 5(6): inserted, on 4 September 2013, by section 5(4) of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

Section 5(7): inserted, on 4 September 2013, by section 5(4) of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

Part 1
Savings, transitional provisions, and related matters (except employment)

Subpart 1—Preliminary matters

6 Overview of this Part

(1) Subpart 2 of this Part sets out how the Auckland Council and its subsidiaries must conduct themselves in relation to specific matters during the first few years of their existence. It supplements the Council's own legislation (the Local Government (Auckland Council) Act 2009) and local government legislation in general. However, whereas that legislation is enduring, the provisions in this subpart are transitional and so apply only for as long as specified or until a certain event occurs.

(2) Subpart 3 of this Part sets out how other local authorities affected by the reorganisation of local government in Auckland must conduct themselves in relation to specific matters during the first few years after the reorganisation. As with subpart 2, this part is a supplement to local government legislation in general and applies only as long as specified or until a certain event occurs.

(3) This section is only a guide to the general scheme and effect of this Part. It does not affect the interpretation or application of the other provisions of the Part.

7 Interpretation

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

Auckland has the same meaning as in section 4(1) of the Local Government (Auckland Council) Act 2009

Auckland Council or **Council** has the same meaning as in section 4(1) of the Local Government (Auckland Council) Act 2009

Auckland Transport means the entity established by section 38 of the Local Government (Auckland Council) Act 2009

boundary adjustment Order means the Order in Council—

(a) made under section 35 of the Local Government (Auckland Council) Act 2009; and

(b) giving effect to the Local Government Commission's determination of the boundaries of Auckland in accordance with section 33 of that Act; and

(c) published in the *Gazette* (2010, p 858)

existing local authority—

(a) means the following local authorities that were dissolved on 1 November 2010 by the Reorganisation Act: the Auckland Regional Council, the Auckland City Council, the Franklin District Council, the Manukau City Council, the North Shore City Council, the Papakura District Council, the Rodney District Council, and the Waitakere City Council; but

(b) excludes the assets, liabilities, rights, obligations, and other matters of the Franklin District Council transferred to the Hauraki District Council or the Waikato District Council under the boundary adjustment Order

local board has the same meaning as in section 4(1) of the Local Government (Auckland Council) Act 2009

Minister means the Minister of Local Government

receiving entity has the same meaning as in section 5(1) of the Reorganisation Act

reorganisation means the reorganisation of local government in Auckland described in section 3(1)

Reorganisation Act means the Local Government (Tamaki Makaurau Reorganisation) Act 2009

terminating organisation has the same meaning as in section 5(1) of the Reorganisation Act

Transition Agency means the Auckland Transition Agency established under section 10 of the Reorganisation Act.

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

8 Relationship between this Part and other enactments

If there is any inconsistency between this Part and any Acts referred to in this Part, or any regulations made by or under those Acts, this Part prevails.

Subpart 2—Savings and transitional provisions relating to Auckland Council and its subsidiaries

Council governance and framework

9 Prohibition on reorganisation proposals affecting Auckland until after October 2013 triennial general elections

(1) No person (including the Minister or the Auckland Council) may make a reorganisation proposal or reorganisation application affecting Auckland for any matter specified in section 24(1) of the Local Government Act 2002 or section 13A of the Local Government (Auckland Council) Act 2009 until after the completion of the 2013 triennial general elections.

(2) Subsection (1) applies despite subpart 2 of Part 3 and Schedule 3 of the Local Government Act 2002.

Section 9(1): amended, on 5 December 2012, by section 43 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

10 October 2013 triennial general elections to be conducted using First Past the Post

The October 2013 triennial general elections for the Auckland Council must be held using the electoral system commonly known as First Past the Post (as defined in section 5(1) of the Local Electoral Act 2001).

First steps for board established by Part 7 of Local Government (Auckland Council) Act 2009

11 First steps for board established by Part 7 of Local Government (Auckland Council) Act 2009

(1) The clauses referred to in this section are in Schedule 2 of the Local Government (Auckland Council) Act 2009.

(2) The board referred to in this section is the board established by Part 7 of the Local Government (Auckland Council) Act 2009.

(3) The initial members of the board, appointed in accordance with section 53 of the Reorganisation Act, must hold the first meeting of the board no later than 15 November 2010.

(4) The board must appoint a member to act as chairperson and a member to act as deputy chairperson at its first meeting.

(5) The members of the board must receive remuneration commensurate with that of a specialist adviser to the Auckland Council until the Council decides on the fee payable to the members of the board under clause 17.

(6) The first funding agreement must be made under clause 20 within 3 months after the board's first meeting.

Moratorium on sale of certain Council property

12 Moratorium on sale of certain Council property

(1) The Auckland Council is prohibited from selling, transferring, or otherwise disposing of any of the following property before the end of the moratorium:

(a) shareholdings in any company; and

(b) land or buildings currently used or designated for service delivery purposes; and

(c) any other land or buildings with a current rating valuation of $250,000 or more.

(2) Despite subsection (1), the Council may sell, transfer, or otherwise dispose of property referred to in that subsection during the moratorium if—

(a) the disposal of the property is a transfer—

(i) from the Council to one of its council-controlled organisations or a subsidiary of one of its council-controlled organisations; or

(ii) from a council-controlled organisation of the Council or a subsidiary of a council-controlled organisation of the Council to the Council; or

(iii) from a council-controlled organisation of the Council or a subsidiary of a council-controlled organisation of the Council to a council-controlled organisation of the Council or a subsidiary of a council-controlled organisation of the Council; or

(b) the disposal of the property was contemplated in the current long-term plan of an existing local authority; or

(c) the disposal of the property is—

(i) part of a property development; and

(ii) contemplated by the statement of intent of a council-controlled organisation of an existing local authority; or

(d) the disposal of the property is required to effect or complete a public work; or

(e) the disposal of the property is consequential to a public work; or

(f) the property is operational plant or equipment and, during the reorganisation, has been identified as surplus to the Council's requirements.

(3) Despite subsection (1), the Council may lease, rent, or otherwise authorise the use of any land or building formerly used by an existing local authority or a council-controlled organisation of an existing local authority as offices, as a service centre, or for local service delivery purposes that has been identified, during the reorganisation, as surplus to the Council's requirement.

(4) In this section,—

Auckland Council or **Council** (except in subsection (2)(a)) includes—

(a) a council-controlled organisation of the Auckland Council; and

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

moratorium means the period beginning on 1 November 2010 and ending at the close of 30 July 2012.

Section 12(2)(b): amended, on 27 November 2010, by section 50 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Existing directors and board members of council-controlled organisations and council organisations

13 Existing directors and board members of council-controlled organisations and council organisations

(1) This section applies to directors or board members—

(a) of council-controlled organisations and council organisations that on 1 November 2010, by operation of the Reorganisation Act, become council-controlled organisations or council organisations of the Auckland Council; and

(b) who were appointed by existing local authorities or council-controlled organisations of existing local authorities; and

(c) who were holding office immediately before 1 November 2010.

(2) The directors or board members, including any directors or board members who were elected members of an existing local authority or whose term expired before 31 December 2010, remain in office until new directors or board members are appointed.

(3) To avoid doubt, nothing in this section applies to a director or board member of a terminating organisation.

Council-controlled organisations

14 Half-yearly report replaced with 4-month report

(1) This section applies to council-controlled organisations that on 1 November 2010, by operation of the Reorganisation Act, become council-controlled organisations of the Auckland Council.

(2) No later than 31 December 2010, the board of the council-controlled organisation must deliver to the shareholders a report on the organisation's operations during the period beginning on 1 July 2010 and ending at the close of 31 October 2010.

(3) The report must include the information required to be included by its statement of intent.

(4) A report provided under this section must be treated as satisfying the requirements of section 66 of the Local Government Act 2002 for the 2010/2011 financial year.

15 Auckland Regional Holdings

[Spent]

Section 15: spent, on 1 November 2010, pursuant to section 43(2) of the Local Government (Tamaki Makaurau Reorganisation) Act 2009 (2009 No 13) and the Local Government (Tamaki Makaurau Reorganisation) Terminating Organisations Order 2010 (SR 2010/359).

16 Council dealings with directors of council-controlled organisations appointed under Reorganisation Act

(1) The Council may deal with any director appointed to a council-controlled organisation under section 48 or 49 of the Reorganisation Act in accordance with its powers under the Local Government Act 2002 and the constitution of the organisation.

(2) This section is for the avoidance of doubt.

Watercare Services Limited

17 Watercare Services Limited treated as local government organisation

Until the end of 30 June 2012, Watercare Services Limited, and any subsidiary of Watercare Services Limited, is to be treated as if it were a local government organisation within the meaning of section 124 of the Local Government Act 2002.

18 Obligations on Watercare Services Limited until 30 June 2012

Until the end of 30 June 2012, Watercare Services Limited—

(a) may, in accordance with its current statement of corporate intent, fund its business requirements by using 1 or both of the following methods:

(i) by including the cost of its business requirements in its prices and charges for any relevant services:

(ii) by borrowing or by entering into any financial instrument, financial arrangement, or financial transaction of a debt-raising nature, despite paragraph (b):

(b) is limited to the performance of functions, and the conduct of business, in relation to water supply and waste- water services and trade wastes, but has authority to exercise any powers that it agrees with the Auckland Council to exercise for, or in conjunction with, the Auckland Council:

(c) must, in its financial statements, identify clearly and separately—

(i) the financial position of its reticulated water-supply, waterworks, and bulk water supply activities; and

(ii) the financial position of its activities in relation to sewerage and the collection, treatment, and disposal of sewage and trade wastes:

(d) must ensure that the activities described in paragraph (c)(i) and (ii) are costed and priced separately:

(e) must, at least 4 months before the end of each financial year, prepare and supply to the Auckland Council an indicative asset management plan for the next financial year that must describe the projected condition of its significant assets at the commencement of that year and outline the rationale for and nature, extent, and estimated costs of its proposed activities in respect of—

(i) the maintenance and repair of existing assets; and

(ii) the renewal of existing assets; and

(iii) the upgrading or extension of the performance or capacity of existing assets; and

(iv) the acquisition or construction of new assets:

(f) must, at least 4 months before the end of each financial year, prepare and supply to the Auckland Council, after undertaking a comparative assessment of different funding options, an indicative funding plan for the next financial year that must identify for the next financial year the nature and scope of the activities proposed to be undertaken (including, but not limited to, operational requirements, renewals, and significant new projects), and its planned funding requirements and funding sources, showing—

(i) how the prices and charges proposed in the plan have been calculated:

(ii) a summary of the results of the comparative assessment of different funding options:

(iii) an appropriate debt to equity ratio:

(iv) how any surplus from the previous financial year is proposed to be applied, or any deficit from the previous financial year is proposed to be managed:

(g) must, in preparing its draft statement of corporate intent under section 20 of this Act,—

(i) consider any written submissions made by the Auckland Council on the asset management plan prepared under paragraph (e) or the funding plan prepared under paragraph (f) within 40 working days of the supply of the plan; and

(ii) include in the draft statement of corporate intent a summary of its proposals for the matters dealt with in the plans referred to in subparagraph (i):

(h) must include in the statement of corporate intent completed under section 21 of this Act its decisions in respect of the matters dealt with in the plans referred to in paragraph (g)(i):

(i) must give written notice to the Auckland Council of any proposed modifications of its then current statement of corporate intent and consider comments on the proposed modifications made by the Council:

(j) must—

(i) promptly decide, for any year in which a surplus arises, whether or not to return the surplus to its customers; and

(ii) if it is to return the surplus, decide on and implement the method by which the surplus may be returned (for example, by way of rebate, discount, or adjustment of charges calculated by reference to prior or future charges to its customers).

19 Official information

Until the end of 30 June 2012, Parts 1 to 6 of the Local Government Official Information and Meetings Act 1987 apply to Watercare Services Limited as if that organisation were a local authority.

20 Statement of corporate intent

(1) This section applies until the end of 30 June 2012.

(2) The directors of Watercare Services Limited must deliver to the Auckland Council a draft statement of corporate intent not later than 1 month after the commencement of each financial year.

(3) A statement of corporate intent must specify the following information for the group comprising Watercare Services Limited and any subsidiaries of Watercare Services Limited for the financial year in which it is delivered and each of the immediately following 2 financial years:

(a) the objectives of the group:

(b) the nature and scope of the activities to be undertaken:

(c) the ratio of consolidated shareholders' funds to total assets, and definitions of those terms:

(d) the accounting policies:

(e) the performance targets and other measures by which the performance of the group may be judged in relation to its objectives:

(f) how any residual surplus is to be returned to customers:

(g) the kind of information to be provided to the Auckland Council by Watercare Services Limited during the course of those financial years, including the information to be included in each half-yearly report:

(h) the procedures to be followed before any member of the group subscribes for, purchases, or otherwise acquires shares in any company or other organisation:

(i) any activities for which the directors seek compensation from any local authority (whether or not the local authority has agreed to provide such compensation):

(j) the directors' estimate of the commercial value of the shareholders' investment in the group and how, and when, the value is to be reassessed:

(k) any other matters that are agreed by the Auckland Council and the directors.

21 Completion of statement of corporate intent

Until the end of 30 June 2012, the directors of Watercare Services Limited—

(a) must consider any comments on the draft statement of corporate intent that are made to them within 2 months of the commencement of the financial year by the Auckland Council or a director of Watercare Services Limited; and

(b) must provide the completed statement of corporate intent to the Auckland Council within 3 months of the commencement of the financial year.

22 Reports and accounts

(1) This section applies until the end of 30 June 2012.

(2) Within 2 months after the end of the first half of each financial year, the directors of Watercare Services Limited must provide to the Auckland Council a report on Watercare Services Limited's operations during that half-year.

(3) Each report must include the information required to be included by the statement of corporate intent.

(4) Within 3 months after the end of each financial year, the directors must provide to the Auckland Council and make available to the public—

(a) a report on the operations of Watercare Services Limited, and any subsidiaries of Watercare Services Limited, during the financial year; and

(b) audited consolidated financial statements for that financial year for Watercare Services Limited and any subsidiaries of Watercare Services Limited; and

(c) the auditor's report on—

(i) those financial statements; and

(ii) the performance targets and other measures by which performance has been judged in relation to the objectives.

(5) The audited consolidated financial statements must be prepared in accordance with generally accepted accounting practice and consist of—

(a) a statement of financial position; and

(b) an overall operating statement; and

(c) an operating statement in respect of each significant activity; and

(d) a statement of cash flows; and

(e) any other statements that may be necessary to fairly reflect the financial position of Watercare Services Limited and any subsidiaries of Watercare Services Limited, the resources available to them, and the financial results of their operations.

(6) Every report under subsection (4)(a) must contain the information necessary to enable an informed assessment of the operations of Watercare Services Limited and any subsidiaries of Watercare Services Limited, including a comparison of the performance of Watercare Services Limited and any subsidiaries with any relevant statement of corporate intent.

23 Members, local board members, and employees of Auckland Council must not be directors of Watercare Services Limited

(1) This section applies until the end of 30 June 2012.

(2) No person who is a member of the governing body of the Auckland Council, a member of a local board, or an employee of the Council may hold office as a director of Watercare Services Limited.

24 Restrictions on form and asset ownership of Watercare Services Limited

(1) The Auckland Council must, until the end of 30 June 2015,—

(a) remain the sole owner of Watercare Services Limited; and

(b) ensure that Watercare Services Limited does not dispose of any part of its business or any assets that are necessary for the conduct of its business; and

(c) provide integrated water supply and wastewater services in Auckland only through Watercare Services Limited.

(2) The Auckland Council may decide, at its discretion, how it will provide water supply and wastewater services in Auckland on and from 1 July 2015.

25 Watercare Services Limited to administer and enforce trade waste bylaws

(1) On behalf of the Council, Watercare Services Limited must administer and enforce the trade waste bylaws specified in subsection (2) until the earlier of—

(a) 1 July 2015:

(b) the date on which the Council makes a new trade waste bylaw.

(2) The trade waste bylaws are—

(a) Franklin District Council Trade Waste Bylaw 2007:

(b) Rodney District Council General Bylaw 1998 (chapter 17, Trade Waste):

(c) North Shore City Bylaw 2000 (part 9, Trade Waste).

(3) Despite the repeal of the Auckland Regional Authority Act 1963 by section 113(1) of this Act, the Auckland Regional Council Trade Waste Bylaw 1991 made under that Act and in force at the close of 31 October 2010 continues in force, and has effect, until the earlier of—

(a) 1 July 2015:

(b) the date on which the Council makes a new trade waste bylaw.

(4) On behalf of the Council, Watercare Services Limited must administer and enforce the Auckland Regional Council Trade Waste Bylaw 1991 for the period that the bylaw continues in force under subsection (3).

(5) Section 26 applies in respect of the Auckland Regional Council Trade Waste Bylaw 1991.

26 Offences for breach of Auckland Regional Council Trade Waste Bylaw 1991

(1) Every person who breaches section 5 of the Auckland Regional Council Trade Waste Bylaw 1991 (as continued by section 25(3) of this Act) commits an offence and is liable on conviction to a fine not exceeding $200,000.

(2) Despite anything to the contrary in section 25 of the Criminal Procedure Act 2011, Watercare Services Limited may file a charging document for an offence against subsection (1) at any time within 6 months after the time when the matter giving rise to the charge first became known, or should have become known, to Watercare Services Limited.

(3) It is a defence to an offence under subsection (1) if the court is satisfied—

(a) that—

(i) the act giving rise to the offence was necessary to save or protect life or health or prevent injury, or to prevent serious damage to property, or to avoid actual or likely damage to the environment; and

(ii) the conduct of the defendant was reasonable in the circumstances; and

(iii) the effects of the act or omission were adequately remedied or mitigated by the defendant after the offence occurred; or

(b) the act or omission giving rise to the offence was due to an action or event beyond the control of the defendant, and, in each case,—

(i) the action or event could not reasonably have been foreseen or prevented by the defendant; and

(ii) the effects of the act or omission of the defendant were adequately remedied or mitigated by the defendant after the offence occurred.

(4) The District Court may, on the application of Watercare Services Limited, grant an injunction restraining a person from committing a breach of the Auckland Regional Council Trade Waste Bylaw 1991.

(5) An injunction may be granted under subsection (4)—

(a) despite anything in any other enactment:

(b) whether or not proceedings in relation to the breach have been commenced:

(c) if a person is convicted of the breach,—

(i) in substitution for, or in addition to, any other penalty; or

(ii) in subsequent proceedings.

Section 26(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 26(2): replaced, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 26(4): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

27 Requiring authority status of Watercare Services Limited

[Expired]

Section 27: expired, on 1 July 2012, by section 27(4).

Acquisition of shareholding in Auckland International Airport Limited

28 Exemption from Takeovers Code in relation to Auckland International Airport Limited shares

Nothing in the Takeovers Code in force under the Takeovers Act 1993 applies in relation to the acquisition by the Auckland Council (or any council-controlled organisation of the Auckland Council or any subsidiary of a council-controlled organisation of the Auckland Council) of up to a 22.8% shareholding in Auckland International Airport Limited as a result of the reorganisation.

Interim rating matters

29 District valuation roll, rating information database, and rates records

(1) On and from 1 November 2010,—

(a) the district valuation roll of each existing local authority as at the close of 31 October 2010 must be treated as the district valuation roll of the Auckland Council for the area to which each roll relates; and

(b) the rating information database of each existing local authority as at the close of 31 October 2010 must be treated as the rating information data-

base of the Auckland Council for the area to which each database relates; and

(c) the rates records of each existing local authority as at the close of 31 October 2010 must be treated as the rates records of the Auckland Council.

(2) In this section,—

district valuation roll has the meaning given to it in section 2(1) of the Rating Valuations Act 1998

rates records and **rating information database** have the meanings given to them in section 5 of the Local Government (Rating) Act 2002.

30 Charges on rates

(1) This section applies if, by operation of section 35 of the Reorganisation Act, the Auckland Council assumes liability for a loan or an incidental arrangement in relation to which an existing local authority has charged a rate or rates revenue as security.

(2) Section 115 of the Local Government Act 2002 applies as if the security had been charged by the Auckland Council.

(3) Every charge to which this section applies must be treated as of equal ranking.

31 Consolidation of charges on rates

(1) This section applies if, by operation of section 35 of the Reorganisation Act, the Auckland Council assumes liability for security arrangements over rates, granted by existing local authorities, in respect of loans or incidental arrangements (**existing security arrangements**).

(2) The Governor-General may, by Order in Council made on the recommendation of the Minister, effect the consolidation of the existing security arrangements.

(3) An order must effect the consolidation by—

(a) extinguishing the existing security arrangements; and

(b) deeming a single security document to have been granted by the Auckland Council in substitution for the existing security arrangements extinguished under paragraph (a).

(4) For the purposes of subsection (2), the order must identify each existing security arrangement granted by an existing local authority that is extinguished by the order.

(5) The Minister must not recommend the making of an order unless he or she—

(a) is satisfied that the proposed single security document will comply with the requirements of any relevant enactment; and

(b) is satisfied that no party to, or person having a benefit under, the existing security arrangements will be adversely affected by the making of the order; and

(c) has consulted the Minister for the time being responsible for the administration of the Securities Act 1978 on the form and substance of the proposed single security document.

(6) An order 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	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, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 31(6): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

32 Council authorised to collect and deal with balance of rating matters for 2010/2011 and previous financial years

(1) In respect of the following rates, the Council may exercise all the powers and perform all the functions and duties of a local authority under the Local Government (Rating) Act 2002, as if the Council had itself set the rates:

(a) rates set under section 29B of the Reorganisation Act by each existing local authority; and

(b) rates set by an existing local authority prior to 1 July 2010.

(2) For the purposes of subsection (1), the Council may deliver separate rates assessments and separate rates invoices in respect of the rates set by each existing local authority.

(3) Any money collected by the Council under subsection (1) in respect of a rate set for water supply or wastewater services provided by Watercare Services Limited must be paid to Watercare Services Limited as soon as practicable.

(4) Except as provided in subsection (3), nothing in this Act or any other enactment requires the Council to apply any money collected under this section in any particular way or in any particular part of Auckland.

Rates for 2011/2012 financial year

33 Rates for 2011/2012 financial year

(1) The Auckland Council must set and assess a transition rate for each rating unit within Auckland for the 2011/2012 financial year.

(2) The rate must be assessed in accordance with—

(a) subsection (3), for a rating unit that is an unchanged rating unit (within the meaning of section 40 of this Act); and

(b) subsection (4), for any other rating unit (a **changed rating unit**).

(3) The rate on each unchanged rating unit must be a uniform percentage variation from the total liability of that rating unit for rates for the 2010/2011 financial year.

(4) The rate on each changed rating unit must be the same uniform percentage variation from the total liability for rates that the changed rating unit would have had for the 2010/2011 financial year had the information recorded in the rating information database for that unit for the 2011/2012 financial year been entered in the database for that unit in the 2010/2011 financial year.

(5) For the purposes of subsections (3) and (4),—

(a) the uniform percentage variation must be calculated to meet the rates revenue requirements of the Council for the 2011/2012 financial year; and

(b) the total rates liability of an unchanged rating unit or a changed rating unit for the 2010/2011 financial year is determined by the rates set in accordance with section 29B of the Reorganisation Act, excluding any rates set for water supply or wastewater services.

(6) A rates assessment for the 2011/2012 financial year does not have to contain any of the information required by section 45(1) of the Local Government (Rating) Act 2002 that does not apply in the area of the rating unit to which the assessment relates.

(7) In subsection (6), **area** means the former district of the existing local authority in which the rating unit is situated.

(8) This section prevails over anything to the contrary in the Local Government (Rating) Act 2002.

34 Wastewater rate for 2011/2012 financial year

(1) The Auckland Council must set and assess a wastewater rate for each rating unit within Auckland for the 2011/2012 financial year.

(2) The rate for each rating unit must be a uniform percentage variation (assessed as described in section 33) from the liability of that rating unit for rates set for wastewater services for the 2010/2011 financial year.

(3) The wastewater rate must be set at a level sufficient to meet the wastewater revenue requirements of Watercare Services Limited.

(4) As soon as practicable, the Council must transfer all the money it receives from the wastewater rate to Watercare Services Limited.

(5) In this section, **rating unit within Auckland** does not include any rating unit within Auckland that—

(a) pays for wastewater services by direct charging; or

(b) does not receive wastewater services from Watercare Services Limited.

35 Council otherwise prohibited from setting rates for 2011/2012 financial year

(1) Other than the rates provided for under sections 33 and 34, the Auckland Council is prohibited from setting any other rate, including a local board targeted rate, for the 2011/2012 financial year.

(2) A local board may not propose any targeted rate for its local board area for the 2011/2012 financial year.

36 Application of Local Government (Rating) Act 2002 to rates for 2011/2012 financial year

(1) Except as required by sections 33, 34, and 35 of this Act, the Local Government (Rating) Act 2002 applies to the setting, assessment, and collection of rates by the Auckland Council for the 2011/2012 financial year.

(2) Without limiting subsection (1), and to avoid doubt, the Council—

(a) may discount rates for the 2011/2012 financial year paid before 1 or more specified dates only in accordance with a policy adopted by the Council under section 55 of that Act; and

(b) may impose penalties on unpaid rates for the 2011/2012 financial year only in accordance with a resolution of the Council under section 57 of that Act.

Payment of rates for 2010/2011 and 2011/2012 financial years

37 Payment of rates for 2010/2011 and 2011/2012 financial years

(1) Until the close of 30 June 2012, the Auckland Council is not required to accept payment of rates in respect of a rating unit at any office outside the former district of the existing local authority in which the rating unit is located.

(2) This section prevails over section 52(1)(a) of the Local Government (Rating) Act 2002.

General rate for 2012/2013 financial year

38 General rate for 2012/2013 financial year must be set using capital value of land

For the 2012/2013 financial year, the Council must set any general rate under section 13 of the Local Government (Rating) Act 2002 using the capital value of land.

Mechanism to adjust significant changes resulting from Council moving to single rating system

39 Purpose of sections 40 to 43

The purpose of sections 40 to 43 is to provide a mechanism by which the Auckland Council may manage any significant changes in rating liability during the 3-year period beginning on 1 July 2012 and ending at the close of 30 June 2015 arising from the reorganisation (and the resultant creation of a single rating system for Auckland).

40 Interpretation

In sections 41 to 43,—

change limit means the maximum change in rating liability permitted in relation to a rating unit in a rating year as set out in any Council policy made under section 41

current rates, in respect of a rating unit, means the rates assessed in accordance with section 43 of the Local Government (Rating) Act 2002 for the rating unit in a particular rating year

previous rates, in respect of a rating unit, means—

(a) for the 2012/2013 financial year, the rate assessed for the rating unit under section 33 of this Act in the 2011/2012 financial year:

(b) for any other rating year,—

(i) the rates assessed for the rating unit in accordance with section 43 of the Local Government (Rating Act) 2002 in the immediately preceding rating year; or

(ii) if applicable, the rates liability for the unit under section 42 of this Act in the immediately preceding rating year

rating year means the following financial years:

(a) the 2012/2013 financial year:

(b) the 2013/2014 financial year:

(c) the 2014/2015 financial year

unchanged rating unit, in respect of a particular rating year, means a rating unit that, compared with the immediately preceding rating year, is unchanged in terms of the information to be used for setting and assessing rates for the rating unit. For the purposes of this definition, the following are not changes in information:

(a) a change resulting from the valuation required by section 18B of the Reorganisation Act; or

(b) a change resulting from an objection under section 29 of the Local Government (Rating) Act 2002; or

(c) a change resulting from a correction under section 40 of the Local Government (Rating) Act 2002; or

(d) a change resulting from the implementation of a decision of the Land Valuation Tribunal under section 39 of the Rating Valuations Act 1998.

41 Council may have rates transition management policy for 3-year period commencing 1 July 2012

(1) The Council may include in its long-term plan for the period commencing 1 July 2012 a rates transition management policy.

(2) The policy must identify the change limit for each rating year, being the maximum change in rating liability permitted under the policy in relation to an unchanged rating unit in a rating year.

(3) The change limit may be—

(a) uniform (so that the same change limit applies to increases and decreases in rating liability); or

(b) differential (so that the change limit that applies to increases in rating liability is different from the change limit that applies to decreases in rating liability), but only if the difference is calculated so that the expected net impact referred to in subsection (5)(c) is zero.

(4) The change limit may be an actual amount or a proportion of the previous rates, or both, and, if a differential change limit, the positive and negative components may differ in amount or proportion, or both.

(5) The policy must also describe the estimated impact of the policy, for each rating year, in terms of—

(a) the proportion of rating units for which the policy will result in a reduction in rates liability, and the expected range of reductions; and

(b) the proportion of rating units for which the policy will result in an increase in rates liability, and the expected range of increases; and

(c) the expected net impact of the policy on the Council's rates revenue.

(5A) Sections 84(4) and 94 of the Local Government Act 2002 do not apply to an amendment to the policy.

(6) Section 102 of the Local Government Act 2002 applies to the policy as if it were a policy listed in subsection (3) of that section.

Section 41(1): amended, on 27 November 2010, by section 50 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 41(5A): inserted, on 27 November 2010, by section 50 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 41(6): amended, on 27 November 2010, by section 50 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

42 How Council must apply rates transition management policy

(1) This section applies to the calculation of rating liability for rating units within Auckland if the Council adopts a rates transition management policy under section 41 of this Act.

(2) If the current rates on an unchanged rating unit in a rating year differ from the previous rates for the rating unit by more than the change limit specified for the rating year, the total rating liability for the rating unit for the year is—

(a) the previous rates increased by the change limit, if the current rates are higher than the previous rates; or

(b) the previous rates reduced by the change limit, if the current rates are lower than the previous rates.

(3) The adjustment in rating liability described in subsection (2) must be—

(a) separately and clearly identified on the rates assessment and rates record for the rating unit; and

(b) accounted for separately as if it were a rate itself.

(4) A rates assessment under section 45 of the Local Government (Rating) Act 2002 for a rating unit to which subsection (2) applies must also include the following information (in addition to the information required under section 45):

(a) an explanation of the Council's rates transition management policy; and

(b) clear identification of the amount of rates payable in respect of the rating unit (having applied the policy).

43 Local Government (Rating) Act 2002 otherwise applies

(1) Except as modified by sections 41 and 42 of this Act, the Local Government (Rating) Act 2002 otherwise applies to rates assessed in the 2013/2014 and 2014/2015 rating years by the Council.

(2) Except as modified by sections 38, 41, and 42 of this Act, the Local Government (Rating) Act 2002 otherwise applies to rates assessed in the 2012/2013 rating year by the Council.

Rates as security

44 Rates as security

To avoid doubt, nothing in this Part affects the ability of the Council to charge rates or use rates revenue as security for a loan in accordance with the Local Government Act 2002.

Planning document prepared by Transition Agency

45 Planning document treated as satisfying sections 93 and 95 of Local Government Act 2002

(1) The planning document prepared by the Transition Agency under section 19A of the Reorganisation Act must be treated as the Council's long-term plan for the period beginning on 1 November 2010 and ending at the close of 30 June 2012.

(2) The planning document prepared by the Transition Agency under section 19A of the Reorganisation Act must also be treated as the Council's annual plan for the period beginning on 1 November 2010 and ending at the close of 30 June 2011.

(2A) Subsections (1) and (2) do not apply to the following policies included in the planning document:

(a) remission and postponement of rates on Māori freehold land under section 108 of the Local Government Act 2002:

(b) rates remission under section 109 of the Local Government Act 2002:

(c) rates postponement under section 110 of the Local Government Act 2002.

(3) Despite subsections (1) and (2), Parts 1 and 2 of Schedule 10 of the Local Government Act 2002 do not apply to the planning document.

(4) The Council may amend the planning document—

(a) in accordance with the requirements for amending a long-term plan under the Local Government Act 2002; but

(b) any amendment must not be inconsistent with any provision of this Part.

(5) Without limiting subsection (1), the initial allocation of decision-making responsibility for the non-regulatory activities of the Council between the Council's governing body and its local boards included in the planning document must be treated as satisfying section 18(1) and (2) of the Local Government (Auckland Council) Act 2009.

Section 45(1): amended, on 27 November 2010, by section 50 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 45(2A): inserted, on 27 November 2010, by section 50 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 45(4)(a): amended, on 27 November 2010, by section 50 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

46 Policies included in planning document treated as policies of Council

(1) On and from 1 November 2010, the policies referred to in clause 4 of Schedule 2 of the Reorganisation Act, included in the planning document prepared by the Transition Agency under section 19A of that Act, must be treated as the

policies of the Auckland Council, and may be amended in accordance with section 93 of the Local Government Act 2002.

(2) However, the development contributions policies referred to in clause 4(3)(a) of that schedule must be amended in accordance with section 54 of this Act.

Section 46(1): amended, on 27 November 2010, by section 50 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

47 Certain policies have effect only in former districts and must be replaced by 30 June 2012

(1) This section applies to—

(a) the policies of the existing local authorities included in the planning document prepared by the Transition Agency under section 19A of the Reorganisation Act in accordance with clause 4(3) of Schedule 2 of that Act; and

(b) any policies of the existing local authorities included in the planning document prepared by the Transition Agency under section 19A of the Reorganisation Act in accordance with clause 4(4) of Schedule 2 of that Act; and

(c) any policies or adjusted policies of the existing local authorities included in the planning document prepared by the Transition Agency under section 19A of the Reorganisation Act in accordance with clause 4(5)(b) or (c) of Schedule 2 of that Act.

(2) The policies have effect only within the former district of each of the existing local authorities.

(3) If there is any inconsistency between a policy made by the Auckland Regional Council and a policy made by any of the other existing local authorities, the policy made by the Auckland Regional Council prevails.

(4) The policies must be replaced by the Council with a single integrated policy no later than 30 June 2012.

(5) Despite subsection (4), the following policies must be replaced by the Council with a single integrated policy no later than 30 June 2011:

(a) the policies of the existing local authorities in relation to remission and postponement of rates on Māori freehold land under section 108 of the Local Government Act 2002:

(b) the policies of the existing local authorities in relation to rates remission under section 109 of the Local Government Act 2002:

(c) the policies of the existing local authorities in relation to rates postponement under section 110 of the Local Government Act 2002.

(5A) The Auckland Council must use the special consultative procedure in adopting the single integrated policy described in subsection (5).

(6) A single integrated policy formulated under subsection (4) or (5) may contain different conditions and criteria to be met based on the former districts of the existing local authorities.

(7) Subsection (6) is for the avoidance of doubt.

Section 47(5A): inserted, on 27 November 2010, by section 50 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

48 Allocation in planning document of decision-making responsibility for non-regulatory activities of Council

(1) The initial allocation of decision-making responsibility for the non-regulatory activities of the Council between the Council's governing body and its local boards included in the planning document prepared by the Transition Agency under section 19A of the Reorganisation Act must be treated as the baseline allocation by the governing body of those responsibilities under section 17 of the Local Government (Auckland Council) Act 2009 until the Council adopts its long-term plan for the period beginning 1 July 2012.

(2) To avoid doubt, the governing body of the Council may, before adopting its long-term plan for the period beginning 1 July 2012, make further allocations of decision-making responsibility in favour of 1 or more local boards, but otherwise must not remove or alter any allocation to which subsection (1) applies.

Section 48(1): amended, on 27 November 2010, by section 50 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 48(2): amended, on 27 November 2010, by section 50 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

First local board plans and agreements

49 First local board plans

(1) This section applies to the local board plans required to be adopted by each local board by 31 October 2011 in accordance with section 20(1)(a) of the Local Government (Auckland Council) Act 2009.

(2) Section 20 of that Act applies to each local board plan as if—

(a) the references to default levels of service in subsection (3) of that section were references to the levels of service for local activities provided in each local board area in the 2010/2011 financial year; and

(b) the reference to estimated funding allocation in subsection (4)(b)(iii) of that section were a reference to the funding level in the budget estimated under section 19A(2)(b) of the Reorganisation Act.

50 First local board agreements

(1) This section applies to the local board agreements required to be included in the Council's annual plan for the 2011/2012 financial year in accordance with section 22 of the Local Government (Auckland Council) Act 2009.

(2) Section 21 of that Act applies to each local board agreement as if—

(a) the words "in the local board's plan" in subsection (2) of that section were replaced with "of the communities in the local board area"; and

(b) subsection (3) of that section were omitted; and

(c) the reference to the local board's estimated funding allocation in subsection (5)(c) of that section were a reference to the funding level in the budget estimated under section 19A(2)(b) of the Reorganisation Act.

Reports prepared by existing local authorities under section 29C of Reorganisation Act

51 Reports prepared by existing local authorities under section 29C of Reorganisation Act

(1) The Auckland Council must complete and adopt the reports prepared by the existing local authorities under section 29C of the Reorganisation Act.

(2) Sections 98 and 99 of the Local Government Act 2002 apply, with any necessary modifications, to each report completed and adopted under subsection (1) as if each report were an annual report.

(3) The audited financial statements in a report completed and adopted under subsection (1) must be treated as satisfying any obligation on an existing local authority under section 53E of the Securities Act 1978 to have its financial statements audited for the 2009/2010 financial year.

Reports prepared by terminating organisations under section 40 of Reorganisation Act

52 Reports prepared by terminating organisations under section 40 of Reorganisation Act

(1) A receiving entity must complete and adopt a report prepared by its terminating organisation under section 40(3) of the Reorganisation Act.

(2) Sections 67 and 68 of the Local Government Act 2002 apply, with any necessary modifications, to a report completed and adopted under subsection (1) as if the report were an annual report.

Development contributions

53 Development contributions required by existing local authorities

(1) This section applies to development contributions under subpart 5 of Part 8 of the Local Government Act 2002.

(2) The Auckland Council must use any development contributions it holds, is owed, or may require by operation of section 35 of the Reorganisation Act for the purposes for which they were required by the existing local authorities.

(3) However, if the development contributions are held, owed, or required for water supply or wastewater services infrastructure, section 55 applies.

54 Interim development contributions policies

(1) This section applies to the development contributions policies referred to in clause 4(3)(a) of Schedule 2 of the Reorganisation Act.

(2) Each policy must be amended to remove any power of the Auckland Council to require a development contribution for water supply or wastewater services infrastructure, in accordance with the following procedure:

(a) the amendment must be made by resolution of the governing body of the Auckland Council:

(b) the amendment is not required to be made as described in section 106(6) of the Local Government Act 2002:

(c) the amendment must have effect from 1 July 2011.

(3) Each policy may be amended by the Auckland Council under section 106(6) of the Local Government Act 2002 at any time.

Section 54(2)(b): amended, on 27 November 2010, by section 50 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 54(3): amended, on 27 November 2010, by section 50 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

55 Development contributions for certain infrastructure transferred to Watercare Services Limited

(1) The Auckland Council must immediately transfer to Watercare Services Limited any development contribution (or any part of a development contribution) that is or was required for water supply or wastewater services infrastructure and that is—

(a) paid or made to the Council on or after 1 November 2010 under a policy described in section 46; or

(b) referred to in section 53(2).

(2) Subsections (3) to (5) apply to a development contribution—

(a) described in subsection (1):

(b) vested in Watercare Services Limited by operation of section 37 of the Reorganisation Act.

(3) Sections 204 and 209 of the Local Government Act 2002 apply in relation to the development contribution as if—

(a) the contribution were paid or made to the Auckland Council; and

(b) the capital expenditure of Watercare Services Limited were the capital expenditure of the Auckland Council.

(4) If the development contribution is not used for the purpose for which it was required by the close of 30 June 2019, the Auckland Council must refund or return it under section 209(1)(d) of the Local Government Act 2002.

(5) Watercare Services Limited must reimburse the Auckland Council for any development contribution refunded or returned under section 209 of the Local Government Act 2002.

56 Limitations on requiring further contribution for water supply or wastewater services infrastructure

(1) An Auckland water organisation must not require a payment in respect of a development for the same purpose for which a development contribution for water supply or wastewater services infrastructure—

(a) has been paid or made, or is required to be paid or made, to the Auckland Council after 1 November 2010 under a policy described in section 46; or

(b) referred to in section 53(2) was paid or made.

(2) Despite subsection (1), an Auckland water organisation may require another payment for the same purpose if the payment is required to reflect an increase in the scale or intensity of the development since the original contribution was required.

(3) In this section, **Auckland water organisation** has the same meaning as in section 4(1) of the Local Government (Auckland Council) Act 2009.

57 Development contributions for transport infrastructure

(1) This section applies to a development contribution (or any part of a development contribution) that is required for transport infrastructure and that is—

(a) paid or made to the Council on or after 1 November 2010 under a policy described in section 46; or

(b) referred to in section 53(2).

(2) If Auckland Transport undertakes the capital expenditure for which the contribution was required, the Council must transfer the contribution to Auckland Transport as part of the Council's funding of that expenditure.

Financial contributions

58 Financial contributions already made or owed to existing local authorities

(1) This section applies to financial contributions under the Resource Management Act 1991.

(2) The Auckland Council must use any financial contributions it holds or receives by operation of section 35 of the Reorganisation Act in reasonable accordance with the purposes for which they were received by the existing local authorities.

(3) However, if the financial contributions are held or received for water supply or wastewater services infrastructure, section 59 applies.

Section 58(1): 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).

59 Financial contributions for certain infrastructure transferred to Watercare Services Limited

(1) The Auckland Council must immediately transfer to Watercare Services Limited any financial contribution (or any part of a financial contribution) that is or was required for water supply or wastewater services infrastructure and—

(a) that is referred to in section 58; or

(b) that the Council receives in accordance with the requirements of any plan referred to in section 78(2).

(2) Subsection (3) applies to a financial contribution—

(a) described in subsection (1); or

(b) vested in Watercare Services Limited by operation of section 37 of the Reorganisation Act.

(3) Watercare Services Limited must use the financial contribution in reasonable accordance with the purposes for which the money was received by the existing local authorities or the Auckland Council.

Section 59(1): amended, on 12 December 2012, by section 4(1) of the Local Government (Auckland Transitional Provisions) Amendment Act 2012 (2012 No 109).

Section 59(1)(a): amended, on 12 December 2012, by section 4(2) of the Local Government (Auckland Transitional Provisions) Amendment Act 2012 (2012 No 109).

60 Prohibition on requiring contribution for certain infrastructure of Watercare Services Limited

(1) After 1 July 2011, the Auckland Council must not require any financial contribution under section 108 of the Resource Management Act 1991 for the water supply or wastewater services infrastructure of Watercare Services Limited.

(2) This section prevails over section 108 of the Resource Management Act 1991 and applies even if a district plan in force under section 78(2) of this Act authorises a financial contribution to be imposed under that Act.

Section 60(1): 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 60(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).

Bylaws

61 Bylaws about Auckland transport system that are transport-related

(1) This section applies to bylaws to which all the following apply:

(a) they are about the Auckland transport system (as defined in section 37(1) of the Local Government (Auckland Council) Act 2009) and transport-related:

(b) they were made by an existing local authority:

(c) they are in force at the close of 31 October 2010.

(2) On and from 1 November 2010, the bylaws are deemed to have been made by Auckland Transport.

(3) Each bylaw remains in force in the area to which it applied at the close of 31 October 2010.

(4) Each bylaw must be reviewed by Auckland Transport at the time and in accordance with any requirements of the enactment under which it was made, or last reviewed, by the existing local authority.

(5) Subsection (4) is for the avoidance of doubt.

(6) In this section, **bylaw** includes—

(a) a set of bylaws; and

(b) an individual bylaw in a set of bylaws; and

(c) a provision within an individual bylaw; and

(d) a resolution made under a bylaw.

62 Bylaws about solid waste

(1) This section applies to bylaws to which all the following apply:

(a) they are either—

(i) made under section 56 of the Waste Minimisation Act 2008 or deemed by section 64 of that Act to be made under section 56; or

(ii) made under the Local Government Act 2002 or any Part of the Local Government Act 1974 (except Part 31) and are about solid waste:

(b) they were made by an existing local authority:

(c) they are in force at the close of 31 October 2010.

(2) On and from 1 November 2010, the bylaws are deemed to have been made by the Auckland Council.

(3) Each bylaw remains in force in the area to which it applied at the close of 31 October 2010 until 31 October 2012, when it is revoked, unless before that date—

(a) the Auckland Council confirms it, in which case the confirmed bylaw becomes a bylaw made by the Auckland Council and remains in force until it expires or is revoked; or

(b) the Auckland Council amends it, in which case the bylaw as amended becomes a bylaw made by the Auckland Council and remains in force until it expires or is revoked; or

(c) the Auckland Council revokes it.

(4) The Auckland Council must use the special consultative procedure before confirming, amending, or revoking a bylaw under subsection (3)(a), (b), or (c).

(5) Section 58 of the Waste Minimisation Act 2008 applies to any bylaw described in subsection (1)(a)(i) confirmed or amended under this section as if the date of the confirmation or amendment of the bylaw were the date of the last review of the bylaw.

(6) In this section, **bylaw** includes—

(a) a set of bylaws; and

(b) an individual bylaw in a set of bylaws; and

(c) a provision within an individual bylaw.

63 Bylaws about matters other than transport and solid waste

(1) This section applies to bylaws to which all the following apply:

(a) neither section 61 nor section 62 applies to them:

(b) they were made by an existing local authority:

(c) they are in force at the close of 31 October 2010.

(2) On and from 1 November 2010 the bylaws are deemed to have been made by the Auckland Council.

(3) Each bylaw remains in force in the area to which it applied at the close of 31 October 2010 until 31 October 2015, when it is revoked, unless before that date—

(a) the Auckland Council confirms it, in which case the confirmed bylaw becomes a bylaw made by the Auckland Council and remains in force until it expires or is revoked; or

(b) the Auckland Council amends it, in which case the bylaw as amended becomes a bylaw made by the Auckland Council and remains in force until it expires or is revoked; or

(c) the Auckland Council revokes it.

(4) The Auckland Council must use the special consultative procedure before confirming, amending, or revoking a bylaw under subsection (3)(a), (b), or (c).

(5) If section 159 of the Local Government Act 2002 applies to a bylaw confirmed or amended under this section, for the purposes of that section the date of the

confirmation or amendment of the bylaw must be treated as if it were the date of the initial last review of the bylaw.

(6) In this section, **bylaw** includes—

(a) a set of bylaws; and

(b) an individual bylaw in a set of bylaws; and

(c) a provision within an individual bylaw.

Policies of existing local authorities

64 Policies that are transport-related

(1) This section applies to policies to which all the following apply:

(a) one of the following applies:

(i) they are expressly required or authorised by an enactment other than the Local Government Act 2002; or

(ii) their title or subject-matter is referred to in secondary or tertiary legislation:

(b) they were made by an existing local authority or the Auckland Regional Transport Authority:

(c) they are in force at the close of 31 October 2010:

(d) they are transport-related, but not related to the regional land transport strategy referred to in section 82(3).

(2) On and from 1 November 2010, the policies are deemed to have been made by Auckland Transport.

(3) Each policy remains in force in the area to which it applied at the close of 31 October 2010 until one of the following occurs:

(a) Auckland Transport confirms it, in which case the confirmed policy becomes a policy made by Auckland Transport and remains in force until it expires or is revoked:

(b) Auckland Transport amends it, in which case the policy as amended becomes a policy made by Auckland Transport and remains in force until it expires or is revoked:

(c) Auckland Transport revokes it.

(4) Auckland Transport must review each policy and confirm, amend, or revoke it before the close of 31 October 2015.

65 Policies that are not transport-related

(1) This section applies to policies to which all the following apply:

(a) one of the following applies:

(i) they are expressly required or authorised by an enactment other than the Local Government Act 2002 or the Local Government (Rating) Act 2002; or

(ii) their title is referred to in secondary or tertiary legislation:

(b) they were made by an existing local authority or the Auckland Regional Transport Authority:

(c) they are in force at the close of 31 October 2010:

(d) they are either—

(i) not transport-related; or

(ii) only related to the regional land transport strategy.

(2) On and from 1 November 2010, the policies are deemed to have been made by the Auckland Council.

(3) Subject to section 156 of the Land Transport Management Act 2003, each policy remains in force in the area to which it applied at the close of 31 October 2010 until one of the following occurs:

(a) the Auckland Council confirms it, in which case the confirmed policy becomes a policy made by the Auckland Council and remains in force until it expires or is revoked:

(b) the Auckland Council amends it, in which case the policy as amended becomes a policy made by the Auckland Council and remains in force until it expires or is revoked:

(c) the Auckland Council revokes it.

(4) Subject to section 156 of the Land Transport Management Act 2003, the Auckland Council must review each policy and confirm, amend, or revoke it before the close of 31 October 2015.

Section 65(3): amended, on 13 June 2013, by section 72 of the Land Transport Management Amendment Act 2013 (2013 No 35).

Section 65(4): amended, on 13 June 2013, by section 72 of the Land Transport Management Amendment Act 2013 (2013 No 35).

Statutory warrants

66 Statutory warrants relating to transport law

(1) Subsections (2) and (3) apply to warrants to which all the following apply:

(a) they relate to the enforcement of transport law:

(b) they were issued under section 177 of the Local Government Act 2002 or section 208 of the Land Transport Act 1998:

(c) they were issued by an existing local authority to—

(i) an employee of or contractor to the existing local authority; or

(ii) an employee of or contractor to the Auckland Regional Transport Authority:

(d) they are in force at the close of 31 October 2010.

(2) On and from 1 November 2010, the warrants are deemed to have been issued by Auckland Transport.

(3) Each warrant remains in force until one of the following occurs:

(a) the warrant is revoked (without further authority than this section) because the employee or contractor to whom it was issued does not work or ceases to work for Auckland Transport:

(b) Auckland Transport confirms the warrant, in which case the confirmed warrant becomes a warrant issued by Auckland Transport and remains in force until it expires or is revoked:

(c) Auckland Transport amends the warrant, in which case the warrant as amended becomes a warrant issued by Auckland Transport and remains in force until it expires or is revoked:

(d) Auckland Transport revokes the warrant.

(4) Subsection (5) applies to warrants to which all the following apply:

(a) they relate to the enforcement of transport law:

(b) they were issued under section 177 of the Local Government Act 2002 or section 208 of the Land Transport Act 1998:

(c) they were issued by the Commissioner of Police to—

(i) an employee of or contractor to an existing local authority; or

(ii) an employee of or contractor to the Auckland Regional Transport Authority:

(d) they are in force at the close of 31 October 2010.

(5) Each warrant remains in force until either of the following occurs:

(a) the warrant is revoked (without further authority than this section) because the employee or contractor to whom it was issued does not work or ceases to work for Auckland Transport:

(b) the Commissioner of Police revokes the warrant.

(6) In this section, **warrant** includes a document or authorisation in the nature of a warrant.

67 Statutory warrants relating to law other than transport law

(1) This section applies to warrants to which all the following apply:

(a) they relate to the enforcement of law other than transport law:

(b) they were issued by an existing local authority to—

(i) an employee of or contractor to the existing local authority; or

(ii) an employee of Watercare Services Limited:

(c) they are in force at the close of 31 October 2010.

(2) On and from 1 November 2010, the warrants are deemed to have been issued by the Auckland Council.

(3) Each warrant remains in force until one of the following occurs:

(a) the warrant is revoked (without further authority than this section) because the employee or contractor to whom it was issued does not work or ceases to work for the Auckland Council or Watercare Services Limited, as the case may be:

(b) the Auckland Council confirms the warrant, in which case the confirmed warrant becomes a warrant issued by the Auckland Council and remains in force until it expires or is revoked:

(c) the Auckland Council amends the warrant, in which case the warrant as amended becomes a warrant issued by the Auckland Council and remains in force until it expires or is revoked:

(d) the Auckland Council revokes the warrant.

Fees and charges

68 Fees and charges

(1) This section applies to a fee or charge that—

(a) was prescribed or set by an existing local authority; and

(b) was in force at the close of 31 October 2010.

(2) The fee or charge remains in force in the area to which it applied at the close of 31 October 2010 until the Auckland Council—

(a) replaces it with a new one; or

(b) revokes it without replacing it.

(3) In subsection (2), **Auckland Council** means, as the case may be,—

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

(b) 1 or more local boards of the Auckland Council; or

(c) if a council-controlled organisation of the Auckland Council is responsible for the activity to which the fee or charge relates, the council-controlled organisation.

Standing orders

69 Standing orders

The standing orders prescribed by any Order in Council made under section 46 of the Reorganisation Act remain in force until standing orders adopted by the Auckland Council come into force.

Delegations

70 Delegations (other than in relation to Resource Management Act 1991)

(1) On and from 1 November 2010, the chief executive of the Auckland Council holds all the responsibilities, duties, and powers of the Council that any Act (except the Resource Management Act 1991) allows a local authority to delegate to an officer of the local authority.

(2) On and from 1 November 2010, the chief executive may delegate some or all of the responsibilities, duties, and powers to an officer or employee of the Council, subject to any restrictions on delegation in the relevant Act.

(3) The chief executive, and any person to whom a responsibility, duty, or power has been delegated under subsection (2), holds the responsibility, duty, or power until the earlier of the following:

(a) the date on which the Auckland Council resolves otherwise (which, for the purposes of this section, includes a resolution delegating the same responsibility, duty, or power):

(b) 30 June 2011.

71 Delegations under Resource Management Act 1991

(1) On and from 1 November 2010, the chief executive of the Auckland Council holds all the responsibilities, duties, and powers of the Council that the Resource Management Act 1991 allows a local authority to delegate to an officer of the local authority.

(2) Despite section 34A(1)(b) of that Act, on and from 1 November 2010, the chief executive may delegate some or all of the responsibilities, duties, and powers to—

(a) an officer or employee of the Auckland Council:

(b) a hearings commissioner appointed by the Auckland Council (who may or may not be a member of the Council).

(3) A person to whom the chief executive delegates a function, power, or duty under subsection (2) must not subdelegate it.

(4) The chief executive, and any person to whom a responsibility, duty, or power has been delegated under subsection (2), holds the responsibility, duty, or power until the earlier of the following:

(a) the date on which the Auckland Council resolves otherwise (which, for the purposes of this section, includes a resolution delegating the same responsibility, duty, or power):

(b) 30 June 2011.

Section 71 heading: 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 71(1): 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 71(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).

Section 71(2): amended, on 24 August 2023, by section 805(1) of the Natural and Built Environment Act 2023 (2023 No 46).

72 Delegations by New Zealand Transport Agency to existing local authority

(1) This section applies to a delegation that—

(a) was made to an existing local authority by the New Zealand Transport Agency; and

(b) relates to the Auckland transport system (as defined in section 37 of the Local Government (Auckland Council) Act 2009; and

(c) was in force at the close of 31 October 2010.

(2) On and from 1 November 2010, the delegation must be treated as a delegation to Auckland Transport.

(3) The delegation remains in force until the earlier of the following:

(a) the date on which the New Zealand Transport Agency resolves otherwise (which, for the purposes of this section, includes a resolution delegating the same responsibility, duty, or power):

(b) 31 December 2011.

Building

73 Building

(1) On and from 1 November 2010, the Auckland Council may act as a building consent authority in accordance with the entry of its name in the register of building consent authorities by the chief executive acting under section 52 of the Reorganisation Act.

(2) The name of the Auckland Council remains in the register of building consent authorities for the period that—

(a) starts on the date on which the chief executive acts under section 52 of the Reorganisation Act; and

(b) ends on the earlier of the following:

(i) the date on which the chief executive, having applied sections 191 to 197 of the Building Act 2004, enters the Council's name in the register:

(ii) 31 October 2011.

(3) The Governor-General may, by Order in Council made on the recommendation of the Minister, extend the date in subsection (2)(b)(ii).

(4) On 1 November 2010, the chief executive must remove from the register of building consent authorities the names of any existing local authorities that are in it.

(5) In this section,—

chief executive means the chief executive of the Ministry that is responsible for the administration of the Building Act 2004

register of building consent authorities means the register of building consent authorities kept under section 273(1)(a) of the Building Act 2004.

(6) An order 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	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, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 73(6): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Civil defence emergency management

74 Civil defence emergency management

(1) This section applies to the Civil Defence Emergency Management Group established by the existing local authorities under the Civil Defence Emergency Management Act 2002 (**CDEMG**).

(2) The Civil Defence Emergency Management Co-ordinating Executive Group established by the CDEMG under section 20 of the Civil Defence Emergency Management Act 2002 continues to perform its functions as if—

(a) section 20(1)(a) said "the chief executive of the Auckland Council or a person acting on the chief executive's behalf"; and

(b) the CDEMG had not been dissolved on 1 November 2010.

(3) Anything done by the CDEMG in the performance of its functions or the exercise of its powers continues to have effect on and from 1 November 2010 as if the CDEMG had not been dissolved on 1 November 2010.

(4) Subsection (3) ceases to have effect when the Civil Defence Emergency Management Group established by the Auckland Council (**ACCDEMG**) under section 22(2) of the Civil Defence Emergency Management Act 2002 replaces the thing done by the CDEMG in the performance of its functions or the exercise of its powers with a thing done by the ACCDEMG.

Fire authority appointments

75 Fire authority appointments

(1) Subsections (2) and (3) apply to Rural Fire Officers under the Forest and Rural Fires Act 1977 who—

(a) were appointed by a Fire Authority that was an existing local authority; and

(b) at the close of 31 October 2010, held the office to which they were appointed; and

(c) at the close of 31 October 2010, were not Principal Rural Fire Officers.

(2) On and from 1 November 2010, each officer—

(a) must perform his or her functions within the former district of the existing local authority of which he or she was an appointee on 31 October 2010 as if he or she were an appointee of the Auckland Council; and

(b) may be directed by the Auckland Council to perform his or her functions in a different area of Auckland as if he or she were an appointee of the Auckland Council.

(3) Subsection (2) ceases to apply to each officer when the earliest of the following occurs:

(a) the Auckland Council appoints him or her:

(b) the term of his or her office ends without the Auckland Council appointing him or her:

(c) he or she resigns his or her office.

(4) Subsections (5) and (6) apply to Rural Fire Officers under the Forest and Rural Fires Act 1977 who—

(a) were appointed by a Fire Authority that was an existing local authority; and

(b) at the close of 31 October 2010, held the office to which they were appointed; and

(c) at the close of 31 October 2010, were Principal Rural Fire Officers.

(5) On and from 1 November 2010, each officer must perform his or her functions within the former district of the existing local authority of which he or she was an appointee on 31 October 2010 as if he or she were an appointee of the Auckland Council.

(6) Subsection (5) ceases to apply to each officer when the earliest of the following occurs:

(a) the Auckland Council appoints him or her as the Principal Rural Fire Officer for Auckland under section 13(1) of the Forest and Rural Fires Act 1977:

(b) the Auckland Council appoints another person as the Principal Rural Fire Officer for Auckland:

(c) the term of his or her office ends without the Auckland Council appointing him or her as the Principal Rural Fire Officer for Auckland:

(d) he or she resigns his or her office.

76 Council may direct Principal Rural Fire Officer to also perform functions in other districts

Until the Auckland Council appoints a Principal Rural Fire Officer for Auckland under section 13(1) of the Forest and Rural Fires Act 1977, it may direct a person described in section 75(4) to also perform the functions of his or her office in the following districts:

(a) the district of an existing local authority for which, at the close of 31 October 2010, there is no Principal Rural Fire Officer:

(b) the former district of an existing local authority for which, at any time after the close of 31 October 2010 but before the appointment of the Principal Rural Fire Officer for Auckland, there ceases to be a Principal Rural Fire Officer.

Resource management

77 Section 81 of Resource Management Act 1991 does not apply to areas included within Auckland

(1) Section 81 of the Resource Management Act 1991 does not apply to any area included within Auckland by the boundary adjustment Order.

(2) Instead, the relevant parts of section 78 of this Act apply.

Section 77(1): 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).

78 Resource management

(1) Terms defined in the Resource Management Act 1991 have the same meanings when used in this section. References in this section to sections or schedules are references to sections and schedules of the Resource Management Act 1991 unless otherwise specified. A reference to the **RMA** in this section is a reference to the Resource Management Act 1991.

(2) On and from 1 November 2010, any regional plans or district plans of existing local authorities are deemed to be the regional plans and district plans of the Auckland Council. These plans remain until replaced by an operative regional plan or district plan, as the case may be, made by the Auckland Council.

(3) On and from 1 November 2010, any regional plan of Environment Waikato is deemed to be the regional plan of the Auckland Council, but only to the extent that the plan relates to an area included within Auckland as a result of the

boundary adjustment Order. The plan remains until replaced by an operative regional plan made by the Auckland Council.

(4) On and from 1 November 2010, the regional policy statement of the Auckland Regional Council is deemed to be the regional policy statement of the Auckland Council.

(5) On and from 1 November 2010, the district plans of the existing local authorities continue to apply to the same geographic areas as they did immediately before 1 November 2010 until replaced by an operative Auckland Council district plan.

(6) However, nothing limits or affects the Auckland Council amending a plan to which subsection (5) of this section applies under any provision of the RMA.

(7) The first monitoring report required by the Auckland Council under section 35(2A) is required 5 years from 1 November 2010.

(8) For the purposes of sections 184 and 184A, every designation included in the district plans of existing local authorities at the close of 31 October 2010 is deemed to have been included in the district plans of the Auckland Council on 1 November 2010.

(9) Subsection (10) of this section applies to a designation included in the district plan of an existing local authority that lapses in the period beginning with the commencement of this Act and ending on the close of 31 October 2010.

(10) The designation is deemed to continue until 1 November 2015 unless—

(a) the designation is given effect to in accordance with section 184 or 184A; or

(b) the Auckland Council fixes a longer period under section 184 or 184A before the designation lapses.

(11) Existing designations that are not included in an existing district plan continue for the term for which they were granted by the existing local authority.

(12) For the purposes of section 180(2), the Minister for the Environment is deemed to have been notified of all designations to which subsections (8) and (9) of this section apply.

(13) In the event of any existing local authorities having transferred any RMA functions, powers, or duties to another public authority, the functions, powers, or duties are deemed to have been transferred by the Auckland Council.

(14) Where any change to an operative plan, or variation to a proposed plan, has been publicly notified but the process has not been completed by an existing local authority before 1 November 2010, the process continues on and after 1 November 2010 as if it had been publicly notified by the Auckland Council.

(15) Where any change to a plan, or variation to a proposed plan, relating to an area included within Auckland as a result of the boundary adjustment Order has been publicly notified by any other local authority but the process has not been

completed by the local authority before 1 November 2010, the change or variation process continues on and after 1 November 2010 as if it had been publicly notified by the Auckland Council.

(16) Resource consents, certificates of compliance, or other RMA matters granted, issued, or approved by an existing local authority continue to have effect as if granted, issued, or approved by the Auckland Council.

(17) Any matter under the RMA that was lodged, notified, or commenced by or with an existing local authority but which has not been determined or completed by the existing local authority is transferred to the Auckland Council.

(18) Subsections (11), (16), and (17) of this section are for the avoidance of doubt.

79 Designations of existing local authorities that relate to transport activities

(1) This section applies to designations of the existing local authorities—

(a) that are transport activities in relation to the Auckland transport system; and

(b) for which Auckland Transport has assumed financial responsibility by operation of the Reorganisation Act.

(2) On and from 1 November 2010, the designations are deemed to have been transferred to Auckland Transport for the purposes of section 180 of the Resource Management Act 1991.

(3) In this section,—

Auckland transport system has the same meaning as in section 37(1) of the Local Government (Auckland Council) Act 2009

designation has the same meaning as in section 166 of the Resource Management Act 1991

transport activities has the same meaning as the definition of **activity** in section 5(1) of the Land Transport Management Act 2003.

Other planning matters

80 Auckland regional growth strategy

(1) This section applies to the regional growth strategy adopted, before the commencement of this section, by the Auckland Regional Council under section 37SE of the Local Government Act 1974.

(2) Until the Auckland Council adopts a spatial plan under Part 6 of the Local Government (Auckland Council) Act 2009,—

(a) sections 37SE, 37SF, and 37SH of the Local Government Act 1974 apply, despite their repeal by this Act, as if the Auckland Council were the Auckland Regional Council; and

(b) the Auckland Council is deemed to have adopted the regional growth strategy; and

(c) the regional growth strategy remains in effect; and

(d) section 18 of the Waitakere Ranges Heritage Area Act 2008 applies as if it had not been amended by section 113(1) of this Act.

(3) The regional growth strategy has no effect once the Auckland Council adopts the spatial plan.

81 Appeals against change or variation under Local Government (Auckland) Amendment Act 2004

(1) This section applies to an appeal under the Resource Management Act 1991, lodged before the commencement of this section, against a change or variation to an Auckland planning document prepared and publicly notified under sections 39 and 40 of the Local Government (Auckland) Amendment Act 2004.

(2) The appeal must be determined as if—

(a) sections 38 to 43 of the Local Government (Auckland) Amendment Act 2004 had not been repealed by this Act; and

(b) the Auckland Council had not adopted a spatial plan under Part 6 of the Local Government (Auckland Council) Act 2009 (so that section 80(2)(a) to (d) of this Act applies).

82 Existing regional land transport programme and regional land transport strategy for Auckland continue in effect

(1) The Auckland regional land transport programme prepared by the Auckland Regional Transport Authority under Part 2 of the Land Transport Management Act 2003 for the 3 financial years commencing 1 July 2009—

(a) must be treated as the regional land transport programme of Auckland Transport; and

(b) continues in effect until 30 June 2012.

(2) Subsection (1) is subject to section 91 of this Act.

(3) The regional land transport strategy for Auckland prepared and approved under Schedule 7 of the Land Transport Management Act 2003 on 26 April 2010 must be treated as—

(a) the regional land transport strategy for Auckland; and

(b) continuing in effect until 30 June 2015.

Section 82(3)(b): amended, on 13 June 2013, by section 72 of the Land Transport Management Amendment Act 2013 (2013 No 35).

Tax

83 Tax

(1) This section applies for the purposes of the Inland Revenue Acts.

(2) In this section,—

(a) **ARTA** means the Auckland Regional Transport Authority established by section 7 of the Local Government (Auckland) Amendment Act 2004; and

(b) **council-controlled organisation** has the meaning given to it by the Local Government Act 2002; and

(c) **Inland Revenue Acts** has the meaning given to it by section 3(1) of the Tax Administration Act 1994; and

(d) other terms defined in the Inland Revenue Acts have the meanings given to them by the Acts.

(3) Subsections (5) to (15) apply when, in the reorganisation,—

(a) the assets and liabilities of an existing local government organisation (**person A**) become the assets and liabilities of the Auckland Council (**person B**):

(b) the assets and liabilities of an existing local government organisation (**person A**) become the assets and liabilities of a council-controlled organisation of the Auckland Council or Watercare Services Limited (**person B**):

(c) the assets and liabilities of a terminating organisation (**person A**) become the assets and liabilities of a receiving entity (**person B**):

(d) the voting interests and market value interests of the notional single person in each of the existing local authorities or ARTA or Auckland Regional Holdings (**person A**) become the voting interests and market value interests of the notional single person in the Auckland Council (**person B**).

(4) Subsections (16) and (17) apply when, in the reorganisation, an asset of an existing local authority or ARTA or Auckland Regional Holdings that is shares becomes the asset of a council-controlled organisation of the Auckland Council (**person B**).

(5) On and from the day on which the assets and liabilities become person B's, person B is deemed to be the same person as person A.

(6) On and from the day on which the voting interests and market value interests become person B's, person B is deemed to have held the voting interests and market value interests without interruption since person A acquired them.

(7) Everything done by person A before the assets and liabilities and voting interests and market value interests become person B's is deemed to have been done by person B on the date on which it was done by person A.

(8) Income derived or expenditure incurred by person A before the assets and liabilities become person B's does not become income derived or expenditure incurred by person B just because the assets and liabilities become person B's.

(9) If an asset of person A's that becomes person B's is anything other than shares, the difference between the asset's market value and any attributed liability is available subscribed capital of person B.

(10) If person A is a trustee and person B is a company, person A's tax losses become person B's tax losses, despite anything to the contrary in the Inland Revenue Acts.

(11) If income from a financial arrangement, trading stock, revenue account property, or depreciable property is exempt income of person A and is not exempt income of person B,—

(a) person B is treated as having acquired the financial arrangement, trading stock, or revenue account property that becomes person B's on the day on which it becomes person B's for a consideration that is its market value on the day on which it becomes person B's:

(b) person B is treated as having acquired the depreciable property at the accounting carrying value of the property for person A on the day on which it becomes person B's.

(12) If income from a financial arrangement, trading stock, revenue account property, or depreciable property is not exempt income of person A and is exempt income of person B,—

(a) person A is treated as having disposed of the financial arrangement, trading stock, or revenue account property that becomes person B's on the day on which it becomes person B's for a consideration that is its market value on the day on which it becomes person B's:

(b) person A is treated as having disposed of the depreciable property at the adjusted tax value of the property on the day on which it becomes person B's.

(13) If a person (**person C**) is treated as associated with another person (**person D**) under subpart YB of the Income Tax Act 2007 at any time before 1 November 2010 only by virtue of the application of any of the other subsections in this section, person C is not treated as associated with person D at that time under subpart YB for the purposes of sections CB 6 to CB 15 of the Income Tax Act 2007.

(14) The voting interests and market value interests of the notional single person in each of the existing local authorities or ARTA or Auckland Regional Holdings become the voting interests and market value interests of the notional single person in the Auckland Council on 1 November 2010.

(15) The notional single person holding the voting interests and market value interests in the Auckland Council is deemed for the purposes of subpart IC of the Income Tax Act 2007 to have held the voting interests and market value interests in any council-controlled organisation established in the reorganisation for any period before 1 November 2010 during which it has had or is deemed to

have had 66% or more voting interests and market value interests in any other council-controlled organisation or existing local government organisation.

(16) The proceeds of sale of shares is not assessable income of the Auckland Council or a council-controlled organisation of the Auckland Council if the proceeds become the Council's or the organisation's in the following circumstances:

(a) the shares have become person B's in the way described in subsection (4); and

(b) person B sells the shares and distributes the proceeds to—

(i) the Council; or

(ii) the council-controlled organisation.

(17) The transfer of shares to the Auckland Council or a council-controlled organisation of the Auckland Council is not assessable income of the Council or the organisation if the transfer occurs in the following circumstances:

(a) the shares have become person B's in the way described in subsection (4); and

(b) person B transfers the shares to—

(i) the Council; or

(ii) the council-controlled organisation.

(18) The funds, assets, and property described in clause 5 of Schedule 1 of the Local Government (Auckland) Amendment Act 2004 continue not to be dutiable gifts for the purposes of the Estate and Gift Duties Act 1968 despite the dissolution of the Auckland Regional Council and ARTA and the repeal of the Local Government (Auckland) Amendment Act 2004.

(19) If an Order in Council under section 37(1) of the Local Government (Tamaki Makaurau Reorganisation) Act 2009 provides that Watercare Services Limited is liable for a debt to the Auckland Council as at 1 November 2010, for the purposes of the financial arrangements rules as defined in section YA 1 of the Income Tax Act 2007, the Auckland Council is treated as paying to Watercare Services Limited on 1 November 2010 consideration equal to the debt.

(20) If a council-controlled organisation of the Auckland Council is established by the Transition Agency under section 19B or 19C of the Local Government (Tamaki Makaurau Reorganisation) Act 2009 and is liable for a debt to the Auckland Council as at 1 November 2010, for the purposes of the financial arrangements rules as defined in section YA 1 of the Income Tax Act 2007, the Auckland Council is treated as paying to the council-controlled organisation on 1 November 2010 consideration equal to the debt.

Section 83(19): added (with effect from 31 October 2010), on 21 December 2010, by section 186 of the Taxation (GST and Remedial Matters) Act 2010 (2010 No 130).

Section 83(20): added (with effect from 31 October 2010), on 21 December 2010, by section 186 of the Taxation (GST and Remedial Matters) Act 2010 (2010 No 130).

Solid waste

84 Solid waste

(1) Subsection (2) applies to the existing local authorities' waste management and minimisation plans to which Part 4 of the Waste Minimisation Act 2008 applies.

(2) On and from 1 November 2010, the plans are deemed to be the Auckland Council's waste management and minimisation plan (**ACWMMP**).

(3) Not later than 1 May 2011, the Auckland Council must consider and decide on proposals prepared for it under section 13(1)(cb)(iii) of the Reorganisation Act.

(4) Not later than 1 July 2012, the Auckland Council must review the ACWMMP in the manner required by the Waste Minimisation Act 2008.

(5) For the purposes of the review, the Council may rely on any work carried out by the Transition Agency and the existing local authorities under section 13(1)(cb) of the Reorganisation Act, to the extent that it satisfies the requirements of sections 50(2) and 51 of the Waste Minimisation Act 2008.

(6) Subsection (7) applies to the Council when, after the review, and in accordance with section 50(3) of the Waste Minimisation Act 2008, it is acting under section 44(d) and (e) of that Act.

(7) The Council is not required to consult on matters that have already been the subject of consultation by the existing local authorities acting under section 13(1)(cb) of the Reorganisation Act if their consultation satisfied the requirements of section 44(d) and (e) of the Waste Minimisation Act 2008.

(8) Subsection (9) applies to the Council when, after the review, and in accordance with section 50(3) of the Waste Minimisation Act 2008, it is acting under section 50(3)(b) of that Act.

(9) The Council is not required to consult on matters that have already been the subject of consultation by the existing local authorities acting under section 13(1)(cb) of the Reorganisation Act if their consultation satisfied the requirements of section 50(3)(b) of the Waste Minimisation Act 2008.

(10) In relation to the levy money that the Auckland Council receives on or about 20 January 2011 (including the levy money it receives by operation of section 35 of the Reorganisation Act), the Council may spend it under section 32 of the Waste Minimisation Act 2008 without regard to the former boundaries of the existing local authorities.

(11) In relation to the levy money that the Auckland Council receives in the period from 20 April 2011 until the date on which it completes its review of the ACWMMP, the Council may spend the money in one or both of the following ways:

(a) under section 32 of the Waste Minimisation Act 2008:

(b) for the purposes of making an assessment under section 51 of the Waste Minimisation Act 2008.

(12) Section 62 is also about solid waste.

Titles to land

85 Titles to land

(1) The Registrar-General of Land must, on written application by any person authorised by the Council and on payment of any prescribed fee,—

(a) register the Council, in substitution for an existing local authority, council-controlled organisation, or other entity, as the proprietor of the estate or the interest of the existing local authority, council-controlled organisation, or entity in any registered land transferred to the Council under this Act or the Reorganisation Act; and

(b) make the entries in the register and generally do all the things as may be necessary to give effect to this section.

(2) The Registrar-General of Land must, on written application by any person authorised by the council-controlled organisation and on payment of any prescribed fee,—

(a) register the council-controlled organisation as the proprietor, in substitution for an existing local authority, existing council-controlled organisation, or other entity, of the estate or the interest of the existing local authority, existing council-controlled organisation, or entity in any registered land transferred to the council-controlled organisation under this Act or the Reorganisation Act; and

(b) make the entries in the register and generally do all the things as may be necessary to give effect to this section.

Establishment of Pacific and Ethnic Advisory Panels for Auckland

86 Establishment of Pacific and Ethnic Advisory Panels for Auckland

(1) The mayor of Auckland Council must, not later than 31 March 2011,—

(a) establish a Pacific Peoples Advisory Panel; and

(b) establish an Ethnic Peoples Advisory Panel; and

(c) appoint the members of each panel.

(2) The purposes of the Pacific Peoples Advisory Panel are—

(a) to identify and communicate to the Council the interests and preferences of the Pacific peoples of Auckland in relation to—

(i) the content of the strategies, policies, plans, and bylaws of the Council; and

(ii) any matter that the Panel considers to be of particular interest or concern to the Pacific peoples of Auckland; and

(b) to advise the mayor, and the Council's governing body and local boards, of the Council processes and mechanisms for engagement with Pacific peoples and communities in Auckland.

(3) The purposes of the Ethnic Peoples Advisory Panel are—

(a) to identify and communicate to the Council the interests and preferences of the ethnic peoples of Auckland in relation to—

(i) the content of the strategies, policies, plans, and bylaws of the Council; and

(ii) any matter that the Panel considers to be of particular interest or concern to the ethnic peoples of Auckland; and

(b) to advise the mayor, and the Council's governing body and local boards, of the Council processes and mechanisms for engagement with ethnic peoples and communities in Auckland.

(4) On 1 November 2013,—

(a) the requirements of subsection (1) cease to have effect; and

(b) the Pacific Peoples Advisory Panel and the Ethnic Peoples Advisory Panel are disestablished.

(5) Nothing in this section limits or affects the mayor's powers under section 9(3)(a) of the Local Government (Auckland Council) Act 2009 (which include re-establishing, after 1 November 2013, a Pacific peoples advisory panel or an ethnic peoples advisory panel, or both, in the same or a modified form).

Remuneration Authority determination

87 Remuneration Authority determination

(1) This section applies to the Remuneration Authority determination made under section 51 of the Reorganisation Act.

(2) The determination remains in force for the purposes of payments under clause 12 of Schedule 7 of the Local Government Act 2002 until the Remuneration Authority makes a new determination in relation to the Auckland Council under that Act.

Regional facilities Acts

88 Effect of dissolution of existing local authorities on regional facilities Acts

(1) In this section, **regional facilities Acts** means—

(a) the Auckland War Memorial Museum Act 1996 (**AWMMA**); and

(b) the Museum of Transport and Technology Act 2000 (**MOTATA**); and

(c) the Auckland Regional Amenities Funding Act 2008 (**ARAFA**).

(2) The dissolution of the existing local authorities under section 35(1) of the Reorganisation Act has the following consequences for the regional facilities Acts:

(a) no appointments can be made to the Auckland Museum Electoral College constituted by section 13(1) of the Auckland War Memorial Museum Act 1996; and

(b) no contributing authorities (as defined in section 2 of AWMMA and section 3 of MOTATA) or contributing authority (as defined in section 4 of ARAFA) separately exist.

(3) Subject to certain exceptions stated in the section, section 35(1) of the Reorganisation Act, transfers the functions, powers, duties, and obligations of contributing authorities (as defined in the regional facilities Acts) to the Auckland Council.

(4) The regional facilities Acts are amended by section 113(1)—

(a) to make consequential amendments in relation to the matters in subsection (2); and

(b) to make consequential amendments in relation to the matter in subsection (3).

Subpart 3—Savings and transitional provisions relating to local authorities other than Auckland Council

89 Long-term plans

(1) Without further authority than this section, until 30 June 2012, the long-term plans of the Hauraki District Council and the Waikato District Council consist of—

(a) the 2009/2019 long-term plan adopted by the local authority; and

(b) the 2009/2019 long-term plan adopted by the Franklin District Council, so far as that plan applies to the part of the former Franklin District that, as a result of the boundary adjustment Order, is now part of the local authority's district.

(2) Without further authority than this section, until 30 June 2012, the long-term plan of the Waikato Regional Council consists of—

(a) the 2009/2019 long-term plan adopted by the Council; and

(b) the 2009/2019 long-term plan adopted by the Auckland Regional Council, so far as that plan applies to the part of the former Auckland Region that, as a result of the boundary adjustment Order, is now part of the Waikato Region.

Section 89 heading: amended, on 27 November 2010, by section 50 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 89(1): amended, on 27 November 2010, by section 50 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 89(1)(a): amended, on 27 November 2010, by section 50 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 89(1)(b): amended, on 27 November 2010, by section 50 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 89(2): amended, on 27 November 2010, by section 50 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 89(2)(a): amended, on 27 November 2010, by section 50 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 89(2)(b): amended, on 27 November 2010, by section 50 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

90 Annual plans for 2011/2012 financial year

(1) This section applies to the 2011/2012 financial year annual plans for the following local authorities:

(a) Hauraki District Council:

(b) Waikato District Council:

(c) Waikato Regional Council.

(2) Section 95 and Schedule 10 of the Local Government Act 2002 apply to the preparation of each annual plan subject to the modifications required by section 89 of this Act.

91 Regional land transport programme

(1) This section applies to the Auckland regional land transport programme prepared by the Auckland Regional Transport Authority under Part 2 of the Land Transport Management Act 2003 for the 3 financial years commencing 1 July 2009.

(2) The whole or relevant part of any activities or combinations of activities included in the programme that are to be constructed or undertaken in the part of the former Franklin District that, as a result of the boundary adjustment Order, is now part of the Waikato Region must be treated as part of the regional land transport programme approved by the Waikato Regional Council for the 3 financial years commencing 1 July 2009.

92 Solid waste

(1) On and from 1 November 2010,—

(a) the Hauraki District Council's waste management and minimisation plan is deemed to include that part of the former Franklin District included in the Hauraki District as a result of the boundary adjustment Order; and

(b) the Waikato District Council's waste management and minimisation plan is deemed to include that part of the former Franklin District included in the Waikato District as a result of the boundary adjustment Order.

(2) Subsections (3) and (4) apply to a territorial authority to which both of the following apply:

(a) its boundaries are affected by the boundary adjustment Order; and

(b) it receives a share of levy money under section 31 of the Waste Minimisation Act 2008.

(3) In relation to the levy money that the territorial authority receives on or about 20 January 2011, the authority may spend it under section 32 of the Waste Minimisation Act 2008 without regard to the changes in boundaries.

(4) In relation to the levy money that a territorial authority receives on or after 20 April 2011, the authority may spend the money only under section 32 of the Waste Minimisation Act 2008.

93 Section 81 of Resource Management Act 1991 applies

(1) Section 81 of the Resource Management Act 1991 applies to the following changes of area as a result of the boundary adjustment Order:

(a) the inclusion of areas of the former Franklin District in the Hauraki District:

(b) the inclusion of areas of the former Franklin District in the Waikato District:

(c) the inclusion of areas of the former Auckland Region in the Waikato Region.

(2) This section is for the avoidance of doubt.

94 Resource management

(1) Terms defined in the Resource Management Act 1991 have the same meanings when used in this section. A reference to the **RMA** in this section is a reference to the Resource Management Act 1991.

(2) In this section, **area** means any area of the former district of an existing local authority that, as a result of the boundary adjustment Order, is included in the district or region of another local authority.

(3) Any matter under the RMA relating to an area that was lodged, notified, or commenced by or with the existing local authority, but not determined or completed by the existing local authority, is transferred to the local authority that has gained jurisdiction over that area.

(4) Where any change to an operative plan, or variation to a proposed plan, relating to an area has been publicly notified but the process has not been completed by the existing local authority before 1 November 2010, the process con-

tinues on and after 1 November 2010 as if it had been publicly notified by the local authority that has gained jurisdiction over that area.

(5) Resource consents, certificates of compliance, or other RMA matters granted, issued, or approved in respect of an area by the existing local authority continue to have effect as if granted, issued, or approved by the local authority that has gained jurisdiction over the area.

95 Franklin District Council development contributions not transferred to Auckland Council

(1) This section applies to development contributions under subpart 5 of Part 8 of the Local Government Act 2002.

(2) Where the Hauraki District or the Waikato District gains territory from the former Franklin District in accordance with the boundary adjustment Order, any development contributions owing to or required by the former Franklin District Council in respect of that territory are owed to or required by the Hauraki District Council or the Waikato District Council, as the case may be.

(3) Any subsequent obligation under section 209 or 210 of the Local Government Act 2002 to refund a development contribution made or paid to the former Franklin District Council in respect of the territory to which subsection (2) applies becomes an obligation of the Hauraki District Council or the Waikato District Council, as the case may be.

96 Hauraki District Council and Waikato District Council may require schedule development contributions

[Expired]

Section 96: expired, on 1 July 2012, by section 96(6).

Part 2
Transitional provisions relating to employment

Subpart 1—Preliminary matters

97 Overview of Part

(1) This section—

(a) is a guide to the general scheme and effect of this Part; and

(b) does not affect the interpretation or application of the other provisions of this Part.

(2) Subpart 1 contains, in addition to this overview, provisions defining terms used in this Part and recognising when things done in advance of this Part coming into force can be treated as if they had been done under and in accordance with this Part.

(3) Subpart 2 requires the chief executive of the Auckland Council to review the position of employees and to decide whether employees should be offered positions with a new employer or whether their employment should be terminated. By 30 September 2010, the chief executive must have completed the review and notified employees accordingly.

(4) Subpart 3 provides whether and to what extent employees are entitled to redundancy or other compensation if they decline an offer of a position with a new employer under subpart 2 or their employment is to be terminated or they are offered a position at a different location or at lower remuneration.

(5) Subpart 4 provides for related matters about the continuity of employment of employees who accept positions with a new employer, and about the application of Part 6A of the Employment Relations Act 2000 and the KiwiSaver Act 2006.

(6) Subpart 5 provides transitional provisions about collective bargaining and collective agreements. Certain unions and chief executives are authorised to engage in collective bargaining in advance of the new employers and the new employee positions being established on 1 November 2010. This subpart also provides for the continuation and separate application of collective agreements that do not expire until after 1 November 2010.

98 Interpretation

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

chief executive—

(a) means the chief executive of the Auckland Council appointed under section 17 of the Reorganisation Act; and

(b) includes the Auckland Transition Agency established by section 10 of that Act if—

(i) no person is, for the time being, appointed as chief executive; or

(ii) the chief executive agrees to the Auckland Transition Agency exercising his or her powers

existing employer means, as the case requires,—

(a) an existing local authority:

(b) a terminating organisation

new employer—

(a) means, as the case requires,—

(i) the Auckland Council:

(ii) Auckland Transport:

(iii) Watercare Services Limited:

(iv) a council-controlled organisation of the Auckland Council:

(v) a subsidiary of a council-controlled organisation of the Auckland Council; but

(b) means, in relation to an employee who has not received a notice in accordance with section 100(4),—

(i) the Auckland Council, if the employee is employed by an existing local authority or a terminating organisation (other than the Auckland Regional Transport Authority or Auckland Regional Transport Network Limited):

(ii) Auckland Transport, if the employee is employed by the Auckland Regional Transport Authority or Auckland Regional Transport Network Limited

Reorganisation Act means the Local Government (Tamaki Makaurau Reorganisation) Act 2009.

(2) A term used in a definition in subsection (1) that is defined in the Reorganisation Act or the Local Government (Auckland Council) Act 2009 has the same meaning in the other Act.

(3) For the purposes of this Part, a position is not to be treated as not the same or a substantially similar position because the position is at a different location.

(4) For the purposes of this Part, a position at another location is to be treated as a position at a different location if—

(a) a change to the other location would, applying the employee's existing employment agreement, amount to a substantial change in the employee's terms and conditions of employment; or

(b) the other location is outside the geographical boundaries in respect of which the employee's existing employer operates and the other location is not a reasonable commuting distance from the employee's place of residence, having regard to—

(i) the distance between the old and new sites and the employee's place of residence; and

(ii) the employee's usual travel arrangements; and

(iii) the availability of suitable public transport; and

(iv) the employee's personal circumstances; or

(c) the employee's existing employment agreement does not specify whether a location change affects the terms and conditions of employment and the other location is not a reasonable commuting distance from the employee's place of residence, having regard to—

(i) the distance between the old and new sites and the employee's place of residence; and

(ii) the employee's usual travel arrangements; and

(iii) the availability of suitable public transport; and

(iv) the employee's personal circumstances.

(5) A position at another location is also to be treated as a position at a different location if—

(a) the employee's existing employer's operations cover more than 1 local authority; and

(b) the location of the employee's position is in the district of one local authority; and

(c) the location of the other position is in the district of another local authority; and

(d) the location of the other position is not a reasonable commuting distance from the employee's place of residence having regard to—

(i) the distance between the old and new sites and the employee's place of residence; and

(ii) the employee's usual travel arrangements; and

(iii) the availability of suitable public transport; and

(iv) the employee's personal circumstances.

(6) In this Part, references to accepting an offer of a position with a new employer include—

(a) acceptance of an offer after it has been varied by negotiation; and

(b) acceptance of any subsequent offer after the first offer is notified, whether the first offer is accepted or declined.

(7) To avoid doubt, **terms and conditions**, in relation to employment, include (as appropriate)—

(a) a fixed term included in an employment agreement in accordance with section 66 of the Employment Relations Act 2000:

(b) a trial provision included in an employment agreement in accordance with section 67A of the Employment Relations Act 2000.

99 Advance exercise of powers

Anything done before the commencement of this Part that would have complied with this Part had it been in force is to be treated as having been done under and in accordance with this Part.

Subpart 2—Review of employment positions

100 Review of employment positions

(1) The chief executive must, in accordance with the change management plan developed in accordance with section 13(2)(b) of the Reorganisation Act,—

(a) review the position of persons employed by existing employers; and

(b) decide in relation to each employee whether—

(i) to offer the employee the same or a substantially similar position with a new employer; or

(ii) to offer the employee a position with a new employer that is not the same or a substantially similar position; or

(iii) to terminate the employee's employment as at the close of 31 October 2010.

(2) If the chief executive decides that an employee is to be offered a position with a new employer, the chief executive must also decide—

(a) who the new employer is to be; and

(b) whether the employee is to be offered the same or a substantially similar position with the new employer; and

(c) if the employee is to be offered a position that is not the same or a substantially similar position with the new employer, the terms and conditions of employment to be offered to the employee.

(3) If the chief executive proposes to decide that a person's new employer is to be other than the Auckland Council, the chief executive must not make a decision unless he or she has consulted the chief executive or interim chief executive (as the case may be) of the other new employer.

(4) The chief executive must, by 30 September 2010,—

(a) complete the review and make the necessary decisions under subsections (1) and (2); and

(b) notify in writing each employee and the employee's existing employer of the decision made in relation to the employee in the terms of subsection (1)(b); and

(c) in the case of employees who are being offered positions with a new employer, notify each employee concerned—

(i) of who the new employer is; and

(ii) whether the employee is being offered the same or a substantially similar position with the new employer; and

(iii) if the employee is being offered a position that is not the same or a substantially similar position, of the terms and conditions of employment of the position being offered; and

(iv) of the date by which the employee is to notify the chief executive as to whether the employee accepts or declines the offer.

101 Transfer of employment positions

(1) This section applies to—

(a) employees who have been notified in accordance with section 100(4) and—

(i) accepted an offer of the same or a substantially similar position with a new employer on and from 1 November 2010; or

(ii) neither accepted nor declined an offer of the same or a substantially similar position with a new employer on and from 1 November 2010; and

(b) employees who have been notified in accordance with section 100(4) and accepted an offer of a position that is not the same or a substantially similar position with a new employer on and from 1 November 2010; and

(c) employees whose employment position is subject to review under section 100, but who have received no notification in accordance with section 100(4).

(2) Every employee referred to in subsection (1)(a) or (c) becomes an employee of his or her new employer, on and from 1 November 2010, on the same terms and conditions as applied immediately before he or she became an employee of his or her new employer.

(3) Every employee referred to in subsection (1)(b) becomes an employee of his or her new employer, on and from 1 November 2010, on the terms and conditions notified under section 100(4)(c).

(4) The terms and conditions of employment of an employee referred to in subsection (2) or (3) continue to apply in relation to the employee until—

(a) the terms and conditions are varied—

(i) by agreement between the employee and his or her new employer; or

(ii) in accordance with the employee's terms and conditions of employment; or

(iii) because of the application of section 61(1)(b) of the Employment Relations Act 2000; or

(b) the employee accepts a subsequent position with his or her new employer.

(5) To avoid doubt, subsections (2) and (3) apply,—

(a) in the case of an employee bound by an applicable collective agreement, subject to section 61(1)(b) of the Employment Relations Act 2000 and, without limiting this paragraph, subject to an applicable collective agreement or variation of an applicable collective agreement that comes into force on 1 November 2010; and

(b) in the case of an employee not bound by an applicable collective agreement, subject to any variation in terms and conditions of employment agreed to before 1 November 2010, but to come into force on that date.

(6) This section applies subject to an employee resigning before 1 November 2010 or his or her employment being terminated before 1 November 2010.

102 Employees who neither accept nor decline offer of position that is not same or substantially similar or position at different location

(1) This section applies to employees who have been notified in accordance with section 100(4) and have neither accepted nor declined (by the date specified under section 100(4)(c)(iv)) an offer of a position—

(a) that is not the same or substantially similar with a new employer:

(b) that is at a different location.

(2) The employment of the employees is terminated on and from 1 November 2010.

(3) This section applies subject to an employee resigning before 1 November 2010 or his or her employment being terminated before 1 November 2010.

Subpart 3—Redundancy and other compensation

103 Employees not entitled to redundancy or other compensation just because position or employer ceases to exist

Except as provided in this subpart, an employee of an existing employer is not entitled to receive any payment or any other benefit (**compensation**) because—

(a) the position held by the employee with an existing employer has ceased to exist; or

(b) the employee has ceased to be an employee of an existing employer; or

(c) the employee's employer ceases to exist.

104 Whether employees entitled to redundancy or other compensation

(1) The following table specifies whether and to what extent an employee of an existing employer is entitled to compensation because his or her position with an existing employer has ceased to exist or his or her employer has ceased to exist:

Employee offered same or substantially similar position with new employer

Employee accepts offer	(a)	position is at new location	any relocation compensation payable under section 105
	(b)	position is at same location	no compensation payable
Employee declines offer	(a)	position is at different location	contractual compensation (if any) payable
	(b)	position not at different location	no compensation payable

Employee offered position that is not same or substantially similar

Employee accepts offer	(a)	position is at new location at same remuneration	any relocation compensation payable under section 105

	(b)	position is at new location at lower remuneration	(i) any relocation compensation payable under section 105 (ii) payment of remuneration during the 6 months beginning on 1 November 2010 (or any later date agreed to) at rate not less than rate payable to employee immediately before close of 31 October 2010
	(c)	position at same location at lower remuneration	payment of remuneration during the 6 months beginning on 1 November 2010 (or any later date agreed to) at rate not less than rate payable to employee immediately before close of 31 October 2010
	(d)	position at same location at same remuneration	no compensation payable
Employee declines offer		–	contractual compensation (if any) payable
Employee notified that employment terminated as at close of 31 October 2010			
–		–	contractual compensation (if any) payable

(2) In subsection (1), **offer**, in relation to accepting an offer, means—

(a) acceptance of an offer as notified under section 100; or

(b) if the offer is varied by negotiation, acceptance of the offer as varied; or

(c) if any subsequent offer is made after the offer notified in section 100 is accepted (whether or not after negotiation) or declined, acceptance of the subsequent offer.

(3) This section applies subject to section 106.

105 Compensation if employee accepts position at new location

(1) If an employee referred to in section 101(1)(a) or (b) takes up a position at a new location (whether or not the new location is a different location as defined in section 98), the employee is entitled to—

(a) any compensation otherwise payable under the terms and conditions of employment applicable immediately before the close of 31 October 2010 as if the employee had continued to be employed by his or her existing employer; but

(b) if no compensation is payable under paragraph (a) or any compensation payable under paragraph (a) is less favourable than the compensation provided in the following table, compensation by way of a single amount in accordance with the following table:

Distance differential	Amount payable
less than 2 kms	nil
2 kms or more, but less than 8 kms	$500
8 kms or more, but less than 12 kms	$900
12 kms or more, but less than 20 kms	$1,350
20 kms or more	$2,000

(2) In the table in subsection (1)(b),—

distance means the shortest distance by road

distance differential means the difference derived by subtracting the distance referred to in paragraph (a) from the difference referred to in paragraph (b):

(a) the distance as at 31 October 2010 from the employee's normal residence to the employee's place of work with his or her existing employer; and

(b) the distance as at 1 November 2010 (or any later date on which the employee's place of work shifts to the new location) from the employee's normal residence to the employee's place of work with his or her new employer.

106 Compensation deferred if permanent employee accepts fixed term employment

(1) This section applies to an employee who is a permanent employee of an existing employer and accepts a position under this Part with a new employer, but the position is for a fixed term within the meaning of section 66 of the Employment Relations Act 2000.

(2) Any compensation payable to the employee in relation to the employee's permanent employment is not to be paid until the conclusion of his or her fixed term employment.

(3) Subsection (2) applies subject to subsection (4).

(4) Compensation deferred under subsection (2) ceases to be payable to the employee if the employee, before the end of his or her fixed term employment with the new employer, accepts an offer of permanent employment with the new employer (whether the permanent employment begins before or after the end of the fixed term employment).

(5) However, if the permanent position accepted by the employee is a position at a new location or at lower remuneration or both, then the employee is entitled to relocation compensation or 6 months' payment of remuneration at a higher level or both (as the case may be) to the same extent as if the employee's permanent position had started on 1 November 2010.

107 Which employer responsible for paying compensation

(1) If an employee's employment is to be terminated, the employee's existing employer must ensure that any compensation payable under section 104 is paid to the employee on or before 31 October 2010.

(2) However, if an employee's compensation is deferred under section 106, the compensation is payable by the employee's new employer.

(3) Any compensation payable to an employee who is offered and accepts employment with a new employer is payable by the employee's new employer.

(4) Any compensation payable under section 105 is payable by the new employer within 1 month after an employee's place of work shifts to the new location.

Subpart 4—Related matters

108 Continuity of employment

(1) Subsections (2) and (3) apply for the purposes of every law, determination, contract, and agreement relating to the employment of an employee who, under this Part, becomes an employee of a new employer.

(2) The employment agreement of the employee is to be treated as continuous.

(3) The employee's period of service with his or her existing employer, and every other period of service of the employee that is recognised by his or her existing employer, is to be treated as a period of service with the employee's new employer.

109 KiwiSaver Act 2006 does not apply to transferred employee

The employment of an employee who becomes an employee of a new employer under this Part does not constitute new employment for the purposes of the KiwiSaver Act 2006.

110 Application of Part 6A of Employment Relations Act 2000

Part 6A of the Employment Relations Act 2000—

(a) does not apply in relation to a person whose employment is subject to review under section 100; but

(b) does apply in relation to the person if—

(i) his or her employment is terminated as a result of a restructuring within the meaning of that Part; and

(ii) the work performed by the person is to be performed by or on behalf of another person that is not a new employer within the meaning of this Part.

Subpart 5—Collective bargaining and collective agreements

111 Collective bargaining before 1 November 2010 for variation of collective agreement or for new collective agreement to come into force on that date

(1) Subsection (2) applies if—

(a) the employees whose positions are subject to review under section 100 are bound by a collective agreement under the Employment Relations Act 2000 in relation to their employment with their existing employer; and

(b) the union or unions that are parties to the collective agreement and the chief executive or the chief executive of another new employer enter into bargaining to vary or to replace the collective agreement with 1 or more new collective agreements and the variation or new collective agreement or agreements are intended to come into force on 1 November 2010.

(2) For the purposes of the bargaining in the period from the commencement of this Act to the close of 31 October 2010,—

(a) the employees are to be treated as if they were employees of their new employer; and

(b) their new employer is to be treated as if it were a party to the collective agreement; and

(c) section 41 of the Employment Relations Act 2000 does not apply in relation to the bargaining; and

(d) the other provisions of the Employment Relations Act 2000 apply accordingly with any necessary modifications.

(3) For the purposes of ratifying a collective agreement or a variation of a collective agreement, a person is to be treated as an employee only if—

(a) the person—

(i) has accepted an offer notified under section 100; or

(ii) has neither accepted nor declined an offer notified under section 100; or

(iii) has not received notice of an offer under section 100; and

(b) the following work comes within the coverage clause in the collective agreement—

(i) work to be done by the person for his or her new employer (if paragraph (a)(i) applies):

(ii) work done by the person for his or her existing employer (if paragraph (a)(ii) or (iii) applies).

(4) A person whose employment is subject to review under section 100 ceases to be an employee for the purposes of this section if the person has been notified under section 100 and—

(a) has declined an offer of a position with a new employer; or

(b) has been notified that his or her employment is to be terminated on and from 1 November 2010; or

(c) his or her employment is terminated before that date or he or she resigns before that date.

112 Application of existing collective agreements on and from 1 November 2010

(1) Subsection (2) applies if—

(a) employees of an existing employer—

(i) have received and—

(A) accepted an offer of employment with a new employer made under section 100; or

(B) neither accepted nor declined an offer of a position that is the same or substantially similar with a new employer made under section 100; or

(ii) have not been notified in accordance with section 100 as to whether they are being offered positions with a new employer or their employment with an existing employer is to be terminated; and

(b) the employees are bound by a collective agreement under the Employment Relations Act 2000 in relation to their employment with their existing employer; and

(c) the collective agreement does not expire until after 1 November 2010.

(2) On and from 1 November 2010,—

(a) the collective agreement is to be treated as a separate collective agreement in relation to each new employer; and

(b) a new employer is to be treated as a party to the collective agreement in place of the previous employer; and

(c) the collective agreement continues to apply to and bind only the employees referred to in subsection (1) to the extent that the nature of the work they undertake for the new employer comes within the coverage clause of the collective agreement.

(3) However, subsection (2) applies subject to the extent that the collective agreement as a separate collective agreement is not replaced or varied on 1 November 2010 by a collective agreement or a variation of a collective agreement negotiated under section 111.

(4) The union that is a party to a separate collective agreement under this section may, by notice in writing to the new employer that is a party to the agreement, specify a date on which the agreement is to expire, being a date that is earlier than a date on which the agreement would otherwise expire under section 52(3) of the Employment Relations Act 2000.

Part 3
Amendments and repeals

113 Consequential amendments

(1) The enactments listed in the Schedule are amended, repealed, or revoked in the manner indicated in that schedule.

(2) Section 6(4)(g) of the Local Government Act 2002 is repealed.

114 Repeal of Auckland Metropolitan Drainage Act 1960

(1) The Auckland Metropolitan Drainage Act 1960 (1960 No 15 (L)) is repealed.

(2) Despite subsection (1), sections 75, 77, 79, 81, and 84 of that Act continue in force for the purposes of section 25 of this Act until 1 July 2015 as if every reference to the Board were a reference to Watercare Services Limited.

(3) However, if the Auckland Council makes a new trade waste bylaw before 1 July 2015, subsection (2) ceases to apply.

Part 4
Process for development of first combined plan for Auckland Council

Part 4: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

115 Overview of this Part

(1) This Part sets out the following process for the preparation of the first Auckland combined plan:

(a) the Auckland Council prepares a proposed plan for Auckland that meets the requirements of a regional policy statement, a regional plan, including a regional coastal plan, and a district plan:

(b) the plan is prepared in accordance with this Part and, to the extent provided for by this Part, the RMA:

(c) the plan is not required to include district plan provisions in relation to the Hauraki Gulf Islands (the district plan provisions of the former Auckland City Council in relation to those islands will become operative as part of an existing separate process):

(d) the Council prepares its reports on the proposed plan under sections 32 and 165H(1A) of the RMA and makes them available for public inspection, and provides the reports to the Ministry for the Environment for audit:

(e) the Council notifies the proposed plan and calls for submissions:

(f) the Council notifies a summary of submissions and calls for further submissions:

(g) the Council then forwards all relevant information obtained up to this point to a specialist Hearings Panel appointed by the Minister for the Environment and the Minister of Conservation:

(h) the Hearings Panel holds a Hearing into submissions on the proposed plan by means of hearing sessions conducted in accordance with the procedural and other requirements of this Part:

(i) the Council must attend the hearing sessions and otherwise assist the Hearings Panel with the task of the Hearing:

(j) no later than 50 working days before the expiry of 3 years from the date the Council notifies the proposed plan, the Hearings Panel must make recommendations to the Council on the proposed plan (unless that period is extended by the Minister for the Environment by up to 1 year):

(ja) the Hearings Panel may make recommendations to the Council in respect of a particular topic once it has finished hearing submissions on that topic:

(k) after it has received all of the Hearings Panel's recommendations, the Council must make decisions on the recommendations within 20 working days (unless that period is extended by the Minister for the Environment by up to a further 20 working days) and publicly notify the recommendations of the Hearings Panel and the Council's decisions on the recommendations:

(l) the proposed plan is amended in accordance with the Council's decisions on the recommendations and is deemed, subject to the appeal rights of submitters, to be approved or adopted, as the case may be:

(m) submitters on the proposed plan may appeal to the Environment Court on those recommendations of the Hearings Panel that the Council rejects:

(n) submitters on the proposed plan may appeal to the High Court, on a point of law only, on those recommendations of the Hearings Panel that the Council accepts:

(o) once all appeals are determined, the Council must then publicly notify the operative date of the proposed plan.

(2) This section is only a guide to the general scheme and effect of this Part. It does not affect the interpretation or application of the other provisions of the Part.

Section 115: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

Section 115(1)(j): amended, on 24 November 2015, by section 10 of the Local Government (Auckland Transitional Provisions) Amendment Act 2015 (2015 No 114).

Section 115(1)(ja): inserted, on 24 November 2015, by section 10 of the Local Government (Auckland Transitional Provisions) Amendment Act 2015 (2015 No 114).

Section 115(1)(k): amended, on 24 November 2015, by section 10 of the Local Government (Auckland Transitional Provisions) Amendment Act 2015 (2015 No 114).

116 Interpretation

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

Auckland has the same meaning as in section 4(1) of the Local Government (Auckland Council) Act 2009

Auckland combined plan means the combined document described by section 122

Auckland Council or **Council**—

(a) means the local authority established by section 6(1) of the Local Government (Auckland Council) Act 2009; and

(b) includes a member, delegate, or officer of the Council acting on its behalf

chairperson means the chairperson of the Hearings Panel

coastal marine area has the meaning given by section 2(1) of the RMA

Hearing means the overall process undertaken by the Hearings Panel under this Part

hearing session means a particular session at which submissions are heard by the Hearings Panel as part of the Hearing

Hearings Panel or **Panel** means the Hearings Panel established by section 161

Independent Māori Statutory Board means the board established by Part 7 of the Local Government (Auckland Council) Act 2009

member, in relation to the Hearings Panel, includes the chairperson

Ministry means the Ministry for the Environment

proposed plan means the proposed Auckland combined plan prepared by the Auckland Council in accordance with sections 121 to 126

requiring authority means—

(a) a requiring authority within the meaning of section 166 of the RMA; and

(b) a heritage protection authority within the meaning of section 187 of the RMA

RMA means the Resource Management Act 1991

submission—

(a) means a written or an electronic submission received by the Auckland Council on the proposed plan; and

(b) includes a further written or electronic submission on the proposed plan

submitter includes a person representing a submitter

working day has the meaning given by section 2(1) of the RMA.

(2) Unless the context requires another meaning, references in this Part, whether express or implied, to a district plan for Auckland mean the plan for the district excluding the geographic area to which the Hauraki Gulf Islands section of the district plan of the former Auckland City Council applies (which, as a proposed plan, was notified on 18 September 2006 and amended by decisions notified on 4 May 2009).

(3) Unless the context requires another meaning, a term or expression used and not defined in this Part, but defined in the RMA, has the same meaning as in that Act.

Section 116: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

117 Application of this Part

(1) This Part applies only to the preparation of the first Auckland combined plan.

(2) To avoid doubt, once the Auckland combined plan is operative, the plan may be changed only in accordance with the RMA.

Section 117: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

118 Certain early actions permitted

(1) This section applies to any actions relating to preparation of the Auckland combined plan that—

(a) were performed by the Auckland Council or another person before the commencement of this Part; and

(b) would have complied with the provisions listed in subsection (2) had they been performed after the commencement of this Part.

(2) The provisions are as follows:

(a) clauses 1 to 4 of Schedule 1 of the RMA, as applied by section 123 (which relate to some initial preparation of the proposed plan):

(b) section 126(3)(a) and (b) (which relate to criteria for an audit of the evaluation report and a related report on the proposed plan).

(3) The actions must be treated as actions performed under this Part.

Section 118: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

119 Regulations relating to preparation of Auckland combined plan

(1) This section provides for regulations to be made that specifically relate to the preparation of the Auckland combined plan.

(2) Regulations may be made under section 360(1) of the RMA for the purposes of the preparation of that plan and as if references to the RMA in that subsection include references to this Part.

Section 119: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

120 Components of district plan for Auckland

(1) This section describes, to avoid doubt, the components of the district plan for Auckland once—

(a) the Auckland combined plan is operative; and

(b) the Hauraki Gulf Islands section referred to in section 116(2) is operative.

(2) The district plan for Auckland will comprise—

(a) the provisions of the Hauraki Gulf Islands section, in respect of the geographic area to which that section applies; and

(b) the district plan provisions of the Auckland combined plan, in respect of the geographic area of the rest of Auckland.

Section 120: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

Initial preparation of proposed Auckland combined plan

Heading: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

121 Preparation of first Auckland combined plan

(1) The Auckland combined plan, and the documents that make up the plan, must be prepared in accordance with—

(a) this Part; and

(b) the RMA, except the provisions of the RMA that—

(i) are excluded from applying by this Part; or

(ii) correspond to provisions of this Part.

(2) Anything done under a provision of this Part is to be treated as if it were done under any provision of the RMA that corresponds to the provision of this Part.

(3) In this section, a provision of the RMA **corresponds** to a provision of this Part if the provision of the RMA—

(a) is replaced, with or without modification, by the provision of this Part; or

(b) otherwise corresponds to the provision of this Part.

(4) Despite section 117(1), subsection (2) continues to apply after the Auckland combined plan has been prepared and becomes operative.

Section 121: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

122 Auckland combined plan to combine regional and district documents

(1) The Auckland Council must prepare, implement, and administer a document (the **Auckland combined plan**) that meets the requirements of all of the following:

(a) a regional policy statement for Auckland:

(b) a regional plan, including a regional coastal plan, for Auckland:

(c) a district plan for Auckland.

(2) The Auckland combined plan must clearly identify—

(a) the provisions of the document that are the regional policy statement, the regional plan, the regional coastal plan, or the district plan, as the case may be; and

(b) the objectives, policies, and methods set out or described in the document that have the effect of being provisions of the regional policy statement.

(3) Once the Auckland combined plan is approved by the Auckland Council, it is deemed, for the purposes of the RMA, to be a plan or regional policy statement separately prepared and approved by the Council for its region or district, as the case may be.

Section 122: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

123 Initial preparation of Auckland combined plan

(1) A reference in this section to a clause is to a clause of Schedule 1 of the RMA.

(2) The Auckland Council must initially prepare the Auckland combined plan in accordance with clauses 1 to 8A, as modified by this section.

(3) The Auckland Council must comply with section 126 after preparing the evaluation report under section 32 of the RMA (referred to in clause 5(1)(a)) and the report under section 165H(1A) of the RMA.

(4) Clause 5(1A) and (1C) do not apply (meaning that copies of the public notice about the plan need not be sent to ratepayers or other persons).

(5) Clause 5(1B) is modified so that notice must be given only to owners and occupiers of land to which the designation or heritage order applies.

(6) Clause 5(2)(e) is modified so that the public notice must state—

(a) an address for service for written submissions; and

(b) an email address for service for electronic submissions.

(7) Clause 5(3)(a) is modified so that its closing date for submissions is 60 working days after public notification.

(8) Clause 7(1)(c) is modified so that its closing date for further submissions is 30 working days after the day on which the public notice is given.

(9) Clause 1(2), and section 37 of the RMA, do not apply to the closing dates for submissions or further submissions (meaning that the Council cannot extend the dates, or waive a failure to comply with the dates, under those provisions).

(10) A person who makes an electronic submission under clause 6 or 8 is to be treated as having specified as an address for service the email address from which the submission is received.

Section 123: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

124 Restriction on amendments or variations to Auckland combined plan

(1) This section and section 125 specify the only ways in which the Auckland combined plan may be amended or varied before the Auckland Council publicly notifies its decisions on the recommendations of the Hearings Panel under section 148(4)(a).

(2) The Auckland Council may amend the proposed plan—

(a) under any provision of the RMA or another enactment that provides for amendments to be made to a proposed regional policy statement or proposed plan without using the process in Schedule 1 of the RMA; or

(b) as a result of the Council's decisions on the recommendations of the Hearings Panel.

(3) If the Auckland Council amends the proposed plan under a provision described in subsection (2)(a), the Council must—

(a) give notice of the amendments to the Hearings Panel; and

(b) make the amendments available for inspection on its Internet site and at its offices; and

(c) if the provision requires public notice of the amendment, give public notice in accordance with the provision.

(4) The Auckland Council may vary the proposed plan in accordance with a direction of the Hearings Panel.

(5) The Hearings Panel may direct the Auckland Council to vary the proposed plan if the Panel is satisfied that—

(a) the variation is required—

(i) to give effect to a provision in a national policy statement, or New Zealand coastal policy statement, that affects the proposed plan; or

(ii) to give effect, in the provisions of the proposed plan comprising the regional plan or district plan, to the provisions of the proposed plan comprising the regional policy statement; or

(iii) to correct a substantial error in the proposed plan; and

(b) the Panel is able to deal with the variation as provided in subsection (7) before the deadline for providing its report (or reports) under section 146 or 147.

(6) The Auckland Council must deal with the variation under section 125.

(7) The Hearings Panel must deal with the variation under sections 128 to 145 as if the variation were the proposed plan, except that in section 145(1)(d) the proposed plan includes the variation.

(8) Clause 16B(1) and (2) of Schedule 1 of the RMA apply to the variation, and the variation must be merged in and become part of the proposed plan in time for the Hearings Panel to provide, in a report under section 144(7), recommendations on the proposed plan as varied.

(9) In sections 148 to 159, references to the proposed plan include references to the variation.

Section 124: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

Section 124(5)(b): amended, on 24 November 2015, by section 10 of the Local Government (Auckland Transitional Provisions) Amendment Act 2015 (2015 No 114).

Section 124(8): amended, on 24 November 2015, by section 10 of the Local Government (Auckland Transitional Provisions) Amendment Act 2015 (2015 No 114).

125 Variation to Auckland combined plan

(1) This section specifies the initial process for a variation to the Auckland combined plan that is permitted by section 124(4).

(2) A reference in this section to a clause is to a clause of Schedule 1 of the RMA.

(3) The Auckland Council must deal with the variation in accordance with clauses 1 to 8A and 16A(2), as modified by this section.

(4) Section 126 does not apply to the evaluation report prepared under section 32 of the RMA (referred to in clause 5(1)(a)), or any report prepared under section 165H(1A) of the RMA, in relation to the variation.

(5) Clause 5(1A) and (1C) do not apply (meaning that copies of the public notice about the proposed variation need not be sent to ratepayers or other persons).

(6) Clause 5(2)(e) is modified so that the public notice must state—

(a) an address for service for written submissions; and

(b) an email address for service for electronic submissions.

(7) Clause 1(2), and section 37 of the RMA, do not apply to the closing dates for submissions or further submissions (meaning that the Council cannot extend the dates, or waive a failure to comply with the dates, under those provisions).

(8) A person who makes an electronic submission under clause 6 or 8 is to be treated as having specified as an address for service the email address from which the submission is received.

Section 125: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

126 Audit of evaluation report on proposed Auckland combined plan

(1) This section applies to the following reports of the Auckland Council on the relevant parts of the proposed plan:

(a) the evaluation report prepared under section 32 of the RMA:

(b) the report prepared under section 165H(1A) of the RMA.

(2) The Auckland Council must electronically provide the reports to the Ministry as soon as practicable after they are prepared, but no later than the day on which the proposed plan is publicly notified.

(3) The Ministry must audit the reports, or have the reports audited, against criteria that have been—

(a) determined by the Ministry after consultation with the Auckland Council; and

(b) specified in a written notice from the chief executive of the Ministry to the Auckland Council.

(4) The Ministry must prepare a report, or have a report prepared, of the audit and electronically provide the audit report to the Auckland Council as soon as practicable, but no later than 30 working days after the day on which the Ministry received the reports for auditing.

(5) The Auckland Council must make the audit report available for public inspection as soon as practicable after receiving it.

Section 126: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

127 Auckland Council must provide relevant information to Hearings Panel

(1) The Auckland Council must provide copies of the following to the Hearings Panel:

(a) the proposed Auckland combined plan that was publicly notified:

(b) any notices about designations, or notices of requirements for designations or heritage orders, referred to in clause 4(5) of Schedule 1 of the RMA:

(c) the information about requirements referred to in clause 4(7) of Schedule 1 of the RMA:

(d) the Council's evaluation report prepared under section 32 of the RMA, and the report prepared under section 165H(1A) of the RMA, in relation to the proposed plan:

(e) the audit report provided to the Council under section 126(4):

(f) the submissions on the proposed plan received by the closing date for submissions:

(g) the Council's summary of the decisions requested by submitters:

(h) the further submissions on the proposed plan received by the closing date for further submissions:

(i) any submissions or further submissions received after the relevant closing date, along with information about when the submissions were received:

(j) the planning documents that are recognised by an iwi authority and lodged with the Council:

(k) any amendments the Council makes to the proposed plan under section 124(2)(a):

(l) any other relevant information held by the Council that is requested by the Hearings Panel.

(2) If the Council makes a variation under section 125, it must also provide copies of the following to the Hearings Panel:

(a) the variation that was publicly notified:

(b) the Council's evaluation report prepared under section 32 of the RMA, and any report prepared under section 165H(1A) of the RMA, in relation to the variation:

(c) the submissions on the variation received by the closing date for submissions:

(d) the Council's summary of the decisions requested by submitters:

(e) the further submissions on the variation received by the closing date for further submissions:

(f) any submissions or further submissions received after the relevant closing date, along with information about when the submissions were received.

(3) The Council must provide the documents or information electronically and as soon as is reasonably practicable in each case.

Section 127: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

Hearings Panel to hold Hearing into submissions on proposed plan

Heading: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

128 Hearing by Hearings Panel

(1) The Hearings Panel must hold a Hearing into submissions on the proposed plan.

(2) The Hearings Panel must hold each hearing session in public unless permitted to do otherwise by—

(a) section 141 (which relates to the protection of sensitive information); or

(b) section 48 of the Local Government Official Information and Meetings Act 1987 (as that Act applies in accordance with section 169 of this Part).

Section 128: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

129 Who may be heard

(1) Every person who has made a submission and stated that they wish to be heard at the Hearing may speak at a hearing session, either personally or through a representative, and call evidence.

(2) Despite subsection (1), the Hearings Panel may limit the circumstances in which parties having the same interest in a matter may speak or call evidence, if the Panel considers that there is likely to be excessive repetition.

(3) Subsection (4) applies if a person who has made a submission and stated that they wish to be heard fails to appear, or any representative of the person fails to appear, at the relevant hearing session.

(4) The Hearings Panel may proceed with the hearing session if it considers it fair and reasonable to do so.

Section 129: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

130 Notice of hearing sessions

The Hearings Panel must give no less than 10 working days' notice of the dates, times, and places of the hearing sessions to—

(a) every person who made a submission and who requested to be heard (and has not since withdrawn the request); and

(b) every requiring authority that has a designation or heritage protection order included in the proposed plan.

Section 130: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

131 Pre-hearing session meetings

(1) Before a hearing session, the Hearings Panel may invite or require the persons listed in subsection (2) to attend a meeting for the purpose of—

(a) clarifying a matter or an issue relating to the proposed plan; or

(b) facilitating resolution of a matter or an issue relating to the proposed plan.

(2) The persons are—

(a) 1 or more submitters; and

(b) the Council; and

(c) any other persons that the Hearings Panel considers appropriate, including 1 or more experts.

(3) A meeting may be chaired by a member of the Hearings Panel or a person appointed by the chairperson of the Panel.

(4) The chairperson of the meeting must, after a meeting, prepare a report that—

(a) sets out any clarification or resolution of a matter or an issue agreed between the persons who attended the meeting; and

(b) sets out any outstanding matter or issue between them; and

(c) addresses any matter or issue identified to the chairperson by the Hearings Panel.

(5) The chairperson of the meeting must provide the report in writing or electronically to the Hearings Panel and the persons who attended the meeting no less than 5 working days before the hearing session to which the meeting relates.

(6) A report prepared under subsection (4) must not, without a person's consent, include any material that the person communicated or made available at the meeting on a without-prejudice basis.

Section 131: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

132 Consequences of submitter not attending pre-hearing session meeting

(1) This section applies if a submitter who is required to attend a meeting under section 131 fails to do so without reasonable excuse.

(2) The Hearings Panel may decline to consider the person's submission.

(3) If the Hearings Panel acts under subsection (2), the person—

(a) has no rights of appeal under section 155 of this Part; and

(b) may not become, under section 274 of the RMA, a party to proceedings as the result of any appeal right exercised by another person under section 155 of this Part.

(4) However, the person may object under section 154 of this Part.

Section 132: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

133 Conference of experts

(1) The Hearings Panel may, at any time during the Hearing, direct that a conference of experts be held for the purpose of—

(a) clarifying a matter or an issue relating to the proposed plan; or

(b) facilitating resolution of a matter or an issue relating to the proposed plan.

(2) A conference may be facilitated by a member of the Hearings Panel or a person appointed by the Panel.

(3) The facilitator of a conference must, after the conference, prepare a report on the conference and provide it in writing or electronically to—

(a) the Hearings Panel; and

(b) the persons who attended the conference.

(4) A facilitator must act under subsection (3)(a) or (b) only if the Hearings Panel requires him or her to do so.

(5) A report prepared under subsection (3) must not, without a person's consent, include any material that the person communicated or made available at the conference on a without-prejudice basis.

(6) To avoid doubt, the Council may attend a conference under this section only if authorised to do so by the Hearings Panel.

Section 133: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

134 Alternative dispute resolution

(1) The Hearings Panel may, at any time during the Hearing, refer to mediation or any other alternative dispute resolution process the persons listed in subsection (2) if—

(a) the Panel considers that it is—

(i) appropriate to do so; and

(ii) likely to resolve issues between the parties that relate to the proposed plan; and

(b) each person has consented (other than the Council, which must participate if referred by the Panel).

(2) The persons are—

(a) 1 or more submitters; and

(b) the Council; and

(c) any other person that the Hearings Panel considers appropriate.

(3) The Hearings Panel must appoint the mediator or person facilitating the mediation or other process (the **mediator**).

(4) The person who conducts the mediation or other process must report the outcome to the Hearings Panel.

(5) In reporting the outcome under subsection (4), material must not be included, without a person's consent, if the material was communicated or made available by the person at the mediation or other process on a without-prejudice basis.

Section 134: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

135 Late submissions

(1) This section applies to submissions or further submissions received after the closing date for those submissions.

(2) The chairperson of the Hearings Panel must decide whether to waive the requirement to provide the submissions before that closing date in respect of each submission to which this section applies.

(3) In making his or her decision, the chairperson must take into account—

(a) the interests of any person who or that, in the chairperson's opinion, may be directly affected by the waiver; and

(b) the need to ensure there is an adequate assessment of the effects of the proposed plan; and

(c) the stage of the Hearing at which the Hearings Panel is provided with the submissions.

(4) A decision of the chairperson under this section is final and there is no right of objection or appeal against it.

Section 135: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

Hearing procedure

Heading: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

136 Hearing procedure

(1) At each hearing session, no fewer than 2 members of the Hearings Panel must be present.

(2) If the chairperson is not present, he or she must appoint another member as chairperson for the purposes of the hearing session.

(3) At the hearing session, the Hearings Panel—

(a) may permit a party to question any other party or witness; and

(b) may permit cross-examination; and

(c) must receive evidence written or spoken in Māori, in which case Te Ture mō Te Reo Māori 2016/the Māori Language Act 2016 applies as if the hearing session were legal proceedings before a tribunal named in Schedule 2 of that Act.

(4) Otherwise, the Hearings Panel must establish a procedure for hearing sessions that—

(a) is appropriate and fair in the circumstances (including in respect of the granting to a person of any waiver of the requirements of the Hearings Panel); and

(b) avoids unnecessary formality; and

(c) recognises tikanga Māori where appropriate.

(5) The Hearings Panel must keep a full record of the hearing sessions and any other proceedings.

Section 136: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

Section 136(1): amended, on 24 November 2015, by section 4 of the Local Government (Auckland Transitional Provisions) Amendment Act 2015 (2015 No 114).

Section 136(3)(c): amended, on 30 April 2016, by section 50 of Te Ture mō Te Reo Māori 2016/the Māori Language Act 2016 (2016 No 17).

137 Council must attend hearing sessions

(1) The Council must attend the hearing sessions to assist the Hearings Panel in 1 or more of the following ways:

(a) to clarify or discuss matters in the proposed plan:

(b) to give evidence:

(c) to speak to submissions or address issues raised by them:

(d) to provide any other relevant information as requested by the Hearings Panel.

(2) Despite subsection (1), the Hearings Panel may excuse the Council from attending or remaining at any particular hearing session.

(3) A failure by the Council or the Hearings Panel to comply with this section does not invalidate the Hearing or the hearing sessions.

(4) To avoid doubt, this section does not limit or prevent the Council from—

(a) making a submission on the proposed plan in accordance with section 123 or 125; or

(b) being heard on that submission under section 129.

Section 137: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

138 Other procedural matters

(1) The following provisions of the Commissions of Inquiry Act 1908 apply to each hearing session as if the Hearings Panel were a Commission, and the Hearing were an inquiry, under that Act:

(a) section 4 (powers to maintain order):

(b) section 4B (evidence):

(c) section 4D (power to summon witnesses):

(d) section 6 (protection of witnesses and other persons):

(e) section 7 (allowances for witnesses).

(2) A summons to a witness to appear at a hearing session must be in the prescribed form and be signed by the chairperson.

(3) All allowances for a witness must be paid by the party on whose behalf the witness is called.

(4) However, if the Hearings Panel calls a witness, the Auckland Council must pay the allowances for that witness.

(5) The Hearings Panel may request and receive, from a person who is heard by the Panel or who is represented at a hearing session, any information and advice that is relevant and reasonably necessary for the Panel to make its recommendations under section 144.

Section 138: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

139 Directions to provide evidence within time limits

(1) The Hearings Panel may direct a submitter or the Auckland Council to provide briefs of evidence in writing or electronically to the Panel before a hearing session.

(2) The Hearings Panel may direct a submitter or the Auckland Council, if the submitter or the Council is intending to call expert evidence, to provide briefs of the evidence in writing or electronically to the Hearings Panel before a hearing session.

(3) The submitter or the Auckland Council must provide briefs of evidence under this section in the time frame specified by the Hearings Panel.

(4) The Hearings Panel must give electronic notice to any relevant submitters of briefs of evidence that are made available under section 143.

Section 139: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

140 Directions and requests before or at hearing session

(1) Before or at a hearing session, the Hearings Panel may do 1 or more of the following:

(a) direct the order of business at the hearing session, including the order in which submissions and evidence are presented:

(b) direct that submissions and evidence be recorded, taken as read, or limited to matters in dispute:

(c) direct a submitter, when presenting a submission or evidence, to present it within a time limit:

(d) request a submitter to provide further information.

(2) Before or at a hearing session, the Hearings Panel may direct that the whole, or a part of, a submission be struck out if the Panel considers—

(a) the whole submission, or the part, is frivolous or vexatious; or

(b) that the whole submission, or the part, discloses no reasonable or relevant case; or

(c) that it would otherwise be an abuse of the hearing process to allow the whole submission, or the part, to be taken further.

(3) At a hearing session, the Hearings Panel may direct a submitter not to present—

(a) the whole submission, if all of it is irrelevant or not in dispute; or

(b) any part of the submission that is irrelevant or not in dispute; or

(c) any part of the submission that does not relate to that part of the proposed plan being addressed at the hearing session.

(4) If the Hearings Panel gives a direction under subsection (2), it must record its reasons for the direction.

(5) A person whose submission, in whole or in part, is struck out has a right of objection under section 154.

Section 140: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

141 Protection of sensitive information

(1) The Hearings Panel may, on its own motion or on the application of any submitter, make an order described in subsection (2) where it is satisfied—

(a) that the order is necessary to avoid—

(i) serious offence to tikanga Māori or to avoid the disclosure of the location of wāhi tapu; or

(ii) the disclosure of a trade secret or unreasonable prejudice to the commercial position of the person who supplied, or is the subject of, the information; and

(b) that in the circumstances of the particular case, the importance of avoiding the offence, disclosure, or prejudice outweighs the public interest in making that information available.

(2) An order may—

(a) require that the whole or part of a hearing session or class of hearing sessions at which the information is likely to be referred to must be held with the public excluded (which order must, for the purposes of section 48(3) to (5) of the Local Government Official Information and Meetings Act 1987, be deemed to be a resolution passed under that section):

(b) prohibit or restrict the publication or communication of any information supplied to, or obtained by, the Hearings Panel in the course of any proceedings, whether or not the information may be material to any proposal, application, or requirement.

(3) The Hearings Panel must require the Auckland Council to make available for inspection, on its Internet site and at its offices, any orders the Panel makes under this section.

(4) A party to a hearing session or class of hearing sessions may apply to the Environment Court for an order cancelling or varying an order made by the Hearings Panel under this section.

(5) On an application made under subsection (4), an Environment Judge sitting alone may, having regard to the matters set out in this section and to such other matters as the Environment Judge thinks fit,—

(a) make an order cancelling or varying any order made by the Hearings Panel under this section on such terms as the Judge thinks fit; or

(b) decline to make an order.

Section 141: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

142 Hearings Panel may commission reports

(1) The Hearings Panel may, at any time during the Hearing, require the Auckland Council, or commission a consultant or any other person, to prepare a report on—

(a) 1 or more submissions; or

(b) any matter arising from a hearing session; or

(c) any other matter that the Panel considers necessary for the purposes of the Panel making its recommendations.

(2) The report does not need to repeat information included in any submission.

(3) Instead, the report may—

(a) adopt all of the information; or

(b) adopt any part of the information by referring to the part adopted.

(4) The Hearings Panel—

(a) may consider a report prepared under subsection (1) at the hearing session or when making its recommendations, or both; and

(b) must require the Auckland Council to make the report available for inspection on its Internet site and at its offices.

(5) The Hearings Panel may request and receive, from a person who makes a report under this section, any information and advice that is relevant and reasonably necessary for the Panel to make its recommendations under section 144.

Section 142: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

143 Evidence and reports must be made available

(1) The Hearings Panel must require the Auckland Council to make available for inspection, on its Internet site and at its offices,—

(a) any written or electronic evidence, including further information provided under section 140(1)(d), received by the Panel during the Hearing; and

(b) any written or electronic report provided to the Panel under section 131, 133, or 134.

(2) However, this section does not apply to any evidence or part of a report that the Hearings Panel considers it is not reasonable to make available for inspection.

Section 143: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

Recommendations of Hearings Panel

Heading: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

144 Hearings Panel must make recommendations to Council on proposed plan

(1) The Hearings Panel must make recommendations on the proposed plan, including any recommended changes to the proposed plan.

(2) The Hearings Panel may make recommendations in respect of a particular topic after it has finished hearing submissions on that topic.

(3) The Hearings Panel must make any remaining recommendations after it has finished hearing all of the submissions that will be heard on the proposed plan.

Scope of recommendations

(4) The Hearings Panel must make recommendations on any provision included in the proposed plan under clause 4(5) or (6) of Schedule 1 of the RMA (which relates to designations and heritage orders), as applied by section 123.

(5) However, the Hearings Panel—

(a) is not limited to making recommendations only within the scope of the submissions made on the proposed plan; and

(b) may make recommendations on any other matters relating to the proposed plan identified by the Panel or any other person during the Hearing.

(6) The Hearings Panel must not make a recommendation on any existing designations or heritage orders that are included in the proposed plan without modification and on which no submissions are received.

Recommendations must be provided in reports

(7) The Hearings Panel must provide its recommendations to the Council in 1 or more reports.

(8) Each report must include—

(a) the Panel's recommendations on the topic or topics covered by the report, and identify any recommendations that are beyond the scope of the submissions made in respect of that topic or those topics; and

(b) the Panel's decisions on the provisions and matters raised in submissions made in respect of the topic or topics covered by the report; and

(c) the reasons for accepting or rejecting submissions and, for this purpose, may address the submissions by grouping them according to—

(i) the provisions of the proposed plan to which they relate; or

(ii) the matters to which they relate.

(9) Each report may also include—

(a) matters relating to any consequential alterations necessary to the proposed plan arising from submissions; and

(b) any other matter that the Hearings Panel considers relevant to the proposed plan that arises from submissions or otherwise.

(10) To avoid doubt, the Hearings Panel is not required to make recommendations that address each submission individually.

Section 144: replaced, on 24 November 2015, by section 5 of the Local Government (Auckland Transitional Provisions) Amendment Act 2015 (2015 No 114).

145 Matters that affect recommendations

(1) The Hearings Panel, in formulating its recommendations, must—

(a) have regard to any reports prepared under sections 131(4) and 133(3); and

(b) take account of any outcomes reported under section 134(4); and

(c) have regard to the evaluation report and the report required by section 165H of the RMA in relation to the proposed plan and any variation and to the audit report referred to in section 126; and

(d) include in the recommendations a further evaluation of the proposed plan undertaken in accordance with section 32AA of the RMA; and

(e) if a rule to which section 165H(1) of the RMA applies is to be recommended, include in the recommendations a report prepared under section 165H(1A) of the RMA by the Hearings Panel as if it were a regional council; and

(f) ensure that, were the Auckland Council to accept the recommendations, the following would be complied with:

(i) sections 43B(3), 61, 62, 66 to 70B, 74 to 77D, 85A, 85B(2), 165F, 165G, 168A(3), 171, 189A(10), and 191 of the RMA:

(ii) any other provision of the RMA, or another enactment, that applies to the Council's preparation of the plan.

(2) To avoid doubt, when complying with subsection (1)(f) in respect of section 66 of the RMA, the Hearings Panel must ensure that regard has been had to the spatial plan for Auckland prepared and adopted under section 79 of the Local Government (Auckland Council) Act 2009.

Section 145: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

146 Deadline for recommendations

The Hearings Panel must provide its report or reports under section 144(7) to the Auckland Council no later than the date that is 50 working days before the expiry of 3 years from the date on which the Council has notified the proposed plan in accordance with section 123, unless section 147 applies.

Section 146: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

Section 146: amended, on 24 November 2015, by section 10 of the Local Government (Auckland Transitional Provisions) Amendment Act 2015 (2015 No 114).

147 Extension of deadline for recommendations

(1) The Hearings Panel or the Auckland Council, or both, may request the Minister for the Environment to extend the deadline referred to in section 146 (the **original deadline**).

(2) A request must be made before the original deadline or, if the original deadline has already been extended, before the extended deadline.

(3) A request must be in writing and—

(a) specify a proposed date for the extended deadline that is no later than 1 year after the original deadline; and

(b) if applicable, include the views of the party not making the request.

(4) If the Minister grants a request, the original deadline is extended accordingly.

(5) Section 37 of the RMA does not apply to the original deadline or to an extended deadline (meaning that the Council cannot extend the deadline, or waive a failure to comply with the deadline, under that provision).

Section 147: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

Council decisions on recommendations

Heading: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

148 Auckland Council to consider recommendations and notify decisions on them

(1) The Auckland Council must—

(a) decide whether to accept or reject each recommendation of the Hearings Panel; and

(b) for each rejected recommendation, decide an alternative solution, which—

(i) may or may not include elements of both the proposed plan as notified and the Hearings Panel's recommendation in respect of that part of the proposed plan; but

(ii) must be within the scope of the submissions.

(2) When making decisions under subsection (1),—

(a) the Council is not required to consult any person or consider submissions or other evidence from any person; and

(b) the Council must not consider any submission or other evidence unless it was made available to the Hearings Panel before the Panel made the recommendation that is the subject of the Council's decision.

(3) To avoid doubt, the Council may accept recommendations of the Hearings Panel that are beyond the scope of the submissions made on the proposed plan.

(4) The Council must, no later than 20 working days after it is provided with the report (or, if there is more than 1 report, the last of the reports) under section 146,—

(a) publicly notify its decisions under subsection (1) in a way that sets out the following information:

(i) each recommendation of the Hearings Panel that it accepts; and

(ii) each recommendation of the Hearings Panel that it rejects and the reasons for doing so; and

(iii) the alternative solution for each rejected recommendation; and

(b) electronically notify each requiring authority affected by the decisions of the Council under subsection (1) of the information referred to in paragraph (a) that specifically relates to the decision recommending that the authority confirm, modify, impose conditions on, or withdraw the designation or heritage protection order concerned.

(5) Subsection (6) applies if the Council decides that it wishes to accept a recommendation but alter the recommendation in a way that has a minor effect or to correct a minor error.

(6) The Council may notify the recommendation as accepted, but only if, when complying with subsection (4)(a)(i), it sets out the alterations to the recommendation.

(7) A recommendation to which subsection (5) applies must, for all purposes, be treated as a recommendation of the Hearings Panel accepted by the Council.

(8) Subsection (4) is subject to section 149.

Section 148: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

Section 148(2)(b): amended, on 24 November 2015, by section 10 of the Local Government (Auckland Transitional Provisions) Amendment Act 2015 (2015 No 114).

Section 148(4): amended, on 24 November 2015, by section 10 of the Local Government (Auckland Transitional Provisions) Amendment Act 2015 (2015 No 114).

149 Extension of deadline for decisions

(1) The Auckland Council may request the Minister for the Environment to extend the deadline referred to in section 148(4) (the **original deadline**).

(2) A request must be made before the original deadline or, if the original deadline has already been extended, before the extended deadline.

(3) A request must be in writing and specify a proposed date for the extended deadline that is no later than 20 working days after the original deadline.

(4) If the Minister grants a request, the original deadline is extended accordingly.

(5) Section 37 of the RMA does not apply to the original deadline or to an extended deadline (meaning that the Council cannot extend the deadline, or waive a failure to comply with the deadline, under that provision).

Section 149: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

150 Auckland Council to release Hearings Panel report

At the same time as the Auckland Council publicly notifies its decisions under section 148(4)(a), the Council must make the report or reports provided by the Hearings Panel under section 144(7) available—

(a) on the Council's Internet site; and

(b) for inspection during working hours, free of charge, at the offices of the Council and anywhere else that the Council determines is appropriate.

Section 150: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

Section 150: amended, on 24 November 2015, by section 10 of the Local Government (Auckland Transitional Provisions) Amendment Act 2015 (2015 No 114).

Designations and heritage orders of requiring authorities other than Auckland Council

Heading: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

151 Designations and heritage orders of requiring authorities other than Auckland Council

(1) A decision of the Auckland Council that is notified to a requiring authority under section 148(4)(b) must be treated as if it were a recommendation notified under clause 9(1) of Schedule 1 of the RMA.

(2) The requiring authority must notify the Auckland Council as to whether it accepts or rejects the recommendation in whole or in part within 30 working days after the day on which it receives the recommendation.

(3) The requiring authority may modify the requirement only if the modification is recommended by the Auckland Council or is not inconsistent with the requirement as notified.

(4) If the requiring authority rejects the recommendation in whole or in part, or modifies the requirement, it must give reasons for its decision.

(5) The Auckland Council must ensure that, within 15 working days after it receives the decision, a notice of decision and a statement of the time within which an appeal against the decision may be lodged is served on—

(a) persons who made a submission on the requirement; and

(b) owners and occupiers of land to which the designation or heritage order applies.

(6) If the Auckland Council gives a notice of a decision, it must—

(a) make a copy of the decision available for inspection on its Internet site and at its offices; and

(b) include with the notice a statement of the places where a copy of the decision is available; and

(c) send or provide, on request, a copy of the decision within 3 working days after the request is received.

Section 151: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

Proposed plan deemed approved or adopted

Heading: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

152 Proposed plan deemed approved or adopted on and from certain dates

(1) This section applies to the proposed plan once the Auckland Council publicly notifies its decisions on the recommendations of the Hearings Panel under section 148(4)(a).

(2) Each part of the proposed plan, other than the parts relating to the coastal marine area, designations, and heritage orders,—

(a) is amended in accordance with the decisions of the Council; and

(b) is deemed to have been approved by the Council under clause 17(1) of Schedule 1 of the RMA on and from—

(i) the date on which the appeal period expires, if no appeals relating to that part of the proposed plan are made under section 155 of this Part:

(ii) the date on which all appeals, including further appeals, relating to that part of the proposed plan are determined, if appeals are made under that section.

(3) Each part of the proposed plan relating to the coastal marine area—

(a) is amended in accordance with the decisions of the Council; and

(b) on and from the following date is deemed to have been adopted by the Council under clause 18(1) of Schedule 1 of the RMA and must be sent

by the Council to the Minister of Conservation for his or her approval under clause 18(3) of that schedule:

(i) the date on which the appeal period expires, if no appeals relating to that part of the proposed plan are made under section 155 of this Part; or

(ii) the date on which all appeals, including further appeals, relating to that part of the proposed plan are determined, if appeals are made under that section.

(4) The part of the proposed plan relating to a designation or heritage order—

(a) is amended in accordance with the decision about the designation or heritage order—

(i) notified by the requiring authority under section 151(2), for a designation or heritage order of a requiring authority other than the Auckland Council; or

(ii) notified by the Council under section 148(4)(a), for a designation or heritage order of the Council; and

(b) is deemed to have been approved by the Council under clause 17(1) of Schedule 1 of the RMA on and from—

(i) the date on which the appeal period expires, if no appeals relating to the designation or heritage order are made under section 157 of this Part; or

(ii) the date on which all appeals, including further appeals, relating to the designation or heritage order are determined, if appeals are made under that section.

(5) However, the parts of the proposed plan relating to any existing designations or heritage orders that were included in the proposed plan without modification, and on which no submissions were received, are deemed to have been approved by the Council under clause 17(1) of Schedule 1 of the RMA on and from the date on which the Auckland Council publicly notifies its decisions under section 148(4)(a).

Section 152: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

RMA provisions relating to legal effect of rules apply

Heading: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

153 RMA provisions relating to legal effect of rules apply

(1) Sections 86A to 86G of the RMA apply, with all necessary modifications, to a rule contained in the proposed plan.

(2) Without limiting subsection (1), every reference to clause 10(4) of Schedule 1 must be read as a reference to section 148(4)(a).

Section 153: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

Objections, appeals, and judicial review

Heading: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

154 Objection rights

(1) A person who made a submission on the proposed plan has the following rights of objection to the Hearings Panel:

(a) a decision of the Hearings Panel under section 132 to decline to consider the person's submission:

(b) a decision of the Hearings Panel to strike out the whole or a part of the person's submission under section 140(2).

(2) An objection must be made by notice in writing, setting out the reasons for the objection, no later than 15 working days after the decision is notified to the person or any longer time allowed by the Hearings Panel.

(3) The Hearings Panel must—

(a) consider the objection as soon as practicable; and

(b) hold a hearing on the objection at which all members are present, having given the objector no less than 5 working days' notice of the date, time, and place for the hearing.

(4) After the hearing, the Hearings Panel must—

(a) dismiss the objection or uphold the objection in whole or in part; and

(b) inform the objector in writing of the Panel's decision and the reasons for it.

(5) A decision of the Hearings Panel under this section is final and there is no right of appeal against it.

Section 154: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

155 Appeal rights

The only appeal rights available in respect of the proposed plan are as follows:

(a) the right of appeal to the Environment Court under section 156 or 157:

(b) the right of appeal to the High Court under section 158.

Section 155: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

156 Right of appeal to Environment Court

(1) A person who made a submission on the proposed plan may appeal to the Environment Court in respect of a provision or matter relating to the proposed plan—

(a) that the person addressed in the submission; and

(b) in relation to which the Council rejected a recommendation of the Hearings Panel and decided an alternative solution, which resulted in—

(i) a provision being included in the proposed plan; or

(ii) a matter being excluded from the proposed plan.

(2) However, if the Council's alternative solution included elements of the Hearings Panel's recommendation, the right of appeal is limited to the effect of the differences between the alternative solution and the recommendation.

(3) A person may appeal to the Environment Court in respect of a provision or matter relating to the proposed plan if—

(a) the Council's acceptance of a recommendation of the Hearings Panel resulted in—

(i) the provision being included in the proposed plan; or

(ii) the matter being excluded from the proposed plan; and

(b) the Hearings Panel had identified the recommendation as being beyond the scope of the submissions made on the proposed plan; and

(c) the person is, was, or will be unduly prejudiced by the inclusion of the provision or exclusion of the matter.

(4) The Environment Court must treat an appeal under this section as if it were a hearing under clause 15 of Schedule 1 of the RMA and, except as otherwise provided in this section, clauses 14(5) and 15 of Schedule 1 of the RMA and Parts 11 and 11A of the RMA apply to the appeal (including, to avoid doubt, sections 299 to 308).

(5) Notice of the appeal must be in the prescribed form and lodged with the Environment Court, and served on the Auckland Council, no later than 20 working days after the Council notifies the matters under section 148(4)(a).

(6) If the subject matter of the notice of appeal relates to the coastal marine area, the person must also serve a copy of the notice on the Minister of Conservation no later than 5 working days after the notice is lodged with the Environment Court.

Section 156: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

157 Right of appeal to Environment Court (designations and heritage orders)

(1) A person has a right of appeal to the Environment Court against any aspect of a decision referred to in section 152(4)(a) of a requiring authority or the Auckland Council if—

(a) the person is an owner or occupier of land to which the designation or heritage order applies; and

(b) the person made a submission on the requirement that referred to that aspect of the decision.

(2) A person has a right of appeal to the Environment Court against any aspect of a decision referred to in section 152(4)(a) of a requiring authority other than the Auckland Council if—

(a) the person is not an owner or occupier of land to which the designation or heritage order applies; and

(b) the person made a submission on the requirement that referred to that aspect of the decision; and

(c) in that aspect of the decision, the requiring authority rejected the Auckland Council's recommendation on the matter.

(3) The Auckland Council has a right of appeal to the Environment Court against any aspect of a decision referred to in section 152(4)(a) of a requiring authority other than the Auckland Council.

(4) A person has a right of appeal to the Environment Court against any aspect of a decision referred to in section 152(4)(a) of the Auckland Council if—

(a) the person is not an owner or occupier of land to which the designation or heritage order applies; and

(b) the person made a submission on the requirement that referred to that aspect of the decision; and

(c) in that aspect of the decision, the Council rejected the Hearings Panel's recommendation on the matter.

(5) An appeal must be treated as if it were an appeal under section 174 of the RMA, and that section and Parts 11 and 11A of the RMA apply to the appeal (including, to avoid doubt, sections 299 to 308).

(6) Despite subsection (5), notice of an appeal may be lodged and served under section 174(2)(c) of the RMA no later than 30 working days after the date on which the Auckland Council gives notice of the decision about the requirement under—

(a) section 151(5), for a designation or heritage order of a requiring authority other than the Council; or

(b) section 148(4)(a), for a designation or heritage order of the Council.

Section 157: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

158 Right of appeal to High Court on question of law

(1) A person who made a submission on the proposed plan may appeal to the High Court in respect of a provision or matter relating to the proposed plan—

(a) that the person addressed in the submission; and

(b) in relation to which the Council accepted a recommendation of the Hearings Panel, which resulted in—

(i) a provision being included in the proposed plan; or

(ii) a matter being excluded from the proposed plan.

(2) A person may appeal to the High Court against any aspect of a decision referred to in section 152(4)(a) of a requiring authority other than the Auckland Council if—

(a) the person is not an owner or occupier of land to which the designation or heritage order applies; and

(b) the person made a submission on the requirement that referred to that aspect of the decision; and

(c) in that aspect of the decision, the requiring authority accepted the Auckland Council's recommendation on the matter.

(3) A person may appeal to the High Court against any aspect of a decision referred to in section 152(4)(a) of the Auckland Council if—

(a) the person is not an owner or occupier of land to which the designation or heritage order applies; and

(b) the person made a submission on the requirement that referred to that aspect of the decision; and

(c) in that aspect of the decision, the Council accepted the Hearings Panel's recommendation on the matter.

(4) However, an appeal under this section may only be on a question of law.

(5) Except as otherwise provided in this section, sections 299(2) and 300 to 307 of the RMA apply, with all necessary modifications, to an appeal under this section.

(6) Notice of the appeal must be filed with the High Court, and served on the Auckland Council, no later than 20 working days after the Council notifies the matters under—

(a) section 148(4)(a), in the case of an appeal under subsection (1) or (3); or

(b) section 151(5), in the case of an appeal under subsection (2).

(7) If the subject matter of the notice of appeal relates to the coastal marine area, the person must also serve a copy of the notice on the Minister of Conservation no later than 5 working days after the notice is filed with the High Court.

Section 158: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

Section 158(6): replaced, on 24 November 2015, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2015 (2015 No 114).

159 Judicial review

(1) Nothing in this Part limits or affects any right of judicial review a person may have in respect of any matter to which this Part applies, except as provided in sections 156(4) and 157(5) (which apply section 296 of the RMA, that section being in Part 11 of that Act).

(2) However, a person must not both apply for judicial review of a decision made under this Part and appeal to the High Court under section 158 in respect of the decision unless the person lodges the applications for judicial review and appeal together.

(3) If applications for judicial review and appeal are lodged together, the High Court must try to hear the judicial review and appeal proceedings together, but need not if the court considers it impracticable to do so in the circumstances of the particular case.

Section 159: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

Auckland Council to notify when plan operative

Heading: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

160 Auckland Council to notify when plan operative

The Auckland Council must notify the date on which the plan, or each part of the plan, as the case may be, will become operative in accordance with clause 20 of Schedule 1 of the RMA.

Section 160: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

Hearings Panel

Heading: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

161 Minister for Environment and Minister of Conservation to establish Hearings Panel

(1) The Minister for the Environment and the Minister of Conservation must establish a Hearings Panel.

(2) The Hearings Panel comprises—

(a) a chairperson; and

(b) 3 to 10 other members.

(3) The chairperson and other members must be appointed jointly by the Ministers after consulting the Auckland Council and the Independent Māori Statutory Board.

(4) The Ministers must appoint members who collectively have knowledge of, and expertise in relation to, the following:

(a) the RMA; and

(b) district plans, regional plans (including regional coastal plans), and regional policy statements or combined regional and district documents; and

(c) tikanga Māori, as it applies in Tāmaki Makaurau; and

(d) Auckland and the mana whenua groups and other people of Auckland; and

(e) the management of legal proceedings, including cross-examination.

(5) However, a failure to comply with subsection (4) does not affect the validity of the appointment of a member once made.

(6) A member must be appointed in accordance with section 162.

(7) To avoid doubt, the Ministers may appoint additional members after the initial appointment of members so long as the total number is no more than 10 members and a chairperson.

(8) The Ministers may appoint a member to replace a member who ceases to hold office.

(8A) The Ministers may appoint an additional member or a replacement member only after consulting the Auckland Council, the Independent Māori Statutory Board, and the chairperson of the Hearings Panel (or the existing members of the Hearings Panel if there is no chairperson).

(9) Subsections (4) to (6) apply to the appointment of an additional member or a replacement member.

(10) As soon as practicable after establishing the Hearings Panel and appointing its initial members,—

(a) the Minister for the Environment must notify the Panel's establishment on the Internet site of the Ministry; and

(b) the Council must notify the Panel's establishment on the Council's Internet site.

Section 161: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

Section 161(2)(b): amended, on 24 November 2015, by section 7(1) of the Local Government (Auckland Transitional Provisions) Amendment Act 2015 (2015 No 114).

Section 161(7): amended, on 24 November 2015, by section 7(1) of the Local Government (Auckland Transitional Provisions) Amendment Act 2015 (2015 No 114).

Section 161(8A): inserted, on 24 November 2015, by section 7(2) of the Local Government (Auckland Transitional Provisions) Amendment Act 2015 (2015 No 114).

162 How members appointed

(1) The Minister for the Environment must give a person appointed as a member of the Hearings Panel a written notice of the appointment that complies with subsection (2).

(2) The notice of appointment must—

(a) state the date on which the appointment takes effect; and

(b) state the term of the appointment; and

(c) specify the terms of reference for both the Hearings Panel and the member.

Section 162: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

163 When member ceases to hold office

(1) A member of the Hearings Panel remains a member until the earliest of the following:

(a) his or her term of office ends:

(b) he or she dies:

(c) he or she resigns by giving 20 working days' written notice to the Minister for the Environment and the Minister of Conservation:

(d) he or she is removed under subsection (2):

(e) the Hearings Panel ceases to exist.

(2) The Minister for the Environment and the Minister of Conservation may, at any time for just cause, remove a member by written notice to the member (with a copy to the Hearings Panel).

(3) The notice must state—

(a) the date on which the removal takes effect, which must not be earlier than the date on which the notice is received by the member; and

(b) the reasons for the removal.

(4) A member of the Hearings Panel 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.

(5) In subsection (2), **just cause** includes misconduct, inability to perform the functions of office, neglect of duty, and breach of the collective duties of the Hearings Panel or the individual duties of members.

Section 163: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

164 Functions of Hearings Panel

The Hearings Panel has the following functions and powers for the purposes of holding a Hearing into the submissions on the proposed plan and any variation permitted by section 124(4):

(a) to hold hearing sessions; and

(b) for the purposes of paragraph (a),—

(i) to hold or authorise the holding of pre-hearing session meetings, conferences of experts, and alternative dispute resolution processes; and

(ii) to commission reports; and

(iii) to hear any objections made in accordance with section 154; and

(c) to make recommendations to the Auckland Council on the proposed plan and any variation; and

(d) except as expressly provided by this Part, to regulate its own proceedings in the manner it thinks fit; and

(e) to carry out or exercise any other functions or powers conferred by this Part or that are incidental and related to, or consequential upon, any of its functions and powers under this Part.

Section 164: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

165 Powers of chairperson

The chairperson of the Hearings Panel has the following powers:

(a) to decide how many, and which, members of the Hearings Panel are to be present at each hearing session:

(aa) to direct that the Hearings Panel hold 2 or more hearing sessions concurrently:

(b) to appoint another member to act as chairperson for the purposes of any hearing session at which he or she will not be present for any reason, including because hearing sessions are being held concurrently:

(c) to decide whether to accept any late submissions:

(d) to deal with any complaints in respect of the Hearings Panel or any member of the Panel.

Section 165: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

Section 165(aa): inserted, on 24 November 2015, by section 8(1) of the Local Government (Auckland Transitional Provisions) Amendment Act 2015 (2015 No 114).

Section 165(b): replaced, on 24 November 2015, by section 8(2) of the Local Government (Auckland Transitional Provisions) Amendment Act 2015 (2015 No 114).

166 Term of Hearings Panel

The Hearings Panel exists until it has completed the performance or exercise of its functions and powers in relation to the Hearing, including any appeals in relation to the Hearing that are filed in any court.

Section 166: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

167 Liability of members

A member is not liable for anything the member does, or omits to do, in good faith in performing or exercising the functions, duties, and powers of the Hearings Panel.

Section 167: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

168 Funding of Hearings Panel and related activities

(1) The Auckland Council is responsible for all costs incurred by the Hearings Panel, and for the activities related to the performance or exercise of the Panel's functions and powers, under this Part.

(2) Without limiting subsection (1), the Council is responsible for—

(a) the remuneration and expenses of the members of the Hearings Panel; and

(b) the administrative costs of each hearing session, including venue hire and public notices; and

(c) the remuneration of any expert, mediator or other dispute resolution facilitator, or other person whose services are engaged by the Hearings Panel under this Part; and

(d) the allowances of any witness called by the Hearings Panel.

(3) For the purposes of subsection (1), each member of the Hearings Panel must be paid—

(a) remuneration by way of salary, fees, or allowances at a rate determined by the Minister for the Environment after consultation with the Council; and

(b) actual and reasonable travelling and other expenses incurred in carrying out his or her office in accordance with the Fees and Travelling Allowances Act 1951, and that Act applies as if the members were members of a statutory Board within the meaning of that Act.

Section 168: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

169 Application of Local Government Official Information and Meetings Act 1987

The Local Government Official Information and Meetings Act 1987 applies, with any necessary modifications, to the Hearings Panel as if it were a board of inquiry given authority to conduct a hearing under section 149J of the RMA.

Section 169: inserted, on 4 September 2013, by section 6 of the Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64).

Validations

Heading: inserted, on 24 November 2015, by section 9 of the Local Government (Auckland Transitional Provisions) Amendment Act 2015 (2015 No 114).

170 Closing date for submissions to Council on proposed plan

Despite section 123(7) and (9), 28 February 2014 must be treated as if it is, and always was, the closing date for submissions on the proposed plan (other than further submissions) for the purposes of this Act.

Section 170: inserted, on 24 November 2015, by section 9 of the Local Government (Auckland Transitional Provisions) Amendment Act 2015 (2015 No 114).

171 Concurrent hearing sessions held before 2015 amendments

(1) This section applies to any hearing session that was held concurrently with another hearing session before the commencement of the Local Government (Auckland Transitional Provisions) Amendment Act 2015 (the **2015 Act**).

(2) The hearing session must be treated as if—

(a) this Act as amended by the 2015 Act applied in relation to the hearing session; and

(b) the hearing session was—

(i) held in accordance with a direction given under section 165(aa) (as inserted by the 2015 Act); and

(ii) chaired by a chairperson appointed under section 165(b) (as amended by the 2015 Act) if the hearing session was chaired by a member other than the chairperson of the Hearings Panel appointed under section 161.

Section 171: inserted, on 24 November 2015, by section 9 of the Local Government (Auckland Transitional Provisions) Amendment Act 2015 (2015 No 114).

Schedule
Enactments amended, repealed, or revoked

s 113(1)

Part 1
Amendments to and repeals of Public Acts

Franklin-Manukau Pests Destruction Act 1971 (1971 No 39)

Repeal.

Goods and Services Tax Act 1985 (1985 No 141)

Paragraph (b)(vii) of the definition of **local authority** in section 2(1): repeal and substitute:

(vii) Auckland Transport (as established by section 38 of the Local Government (Auckland Council) Act 2009):

Government Roading Powers Act 1989 (1989 No 75)

Section 62: add:

(7) In this section, **territorial authority** includes Auckland Transport (as established by section 38 of the Local Government (Auckland Council) Act 2009).

Hauraki Gulf Marine Park Act 2000 (2000 No 1)

Section 16(2): insert after paragraph (c):

(ca) 7 representatives appointed by the Auckland Council:

Section 16(2)(d)(i), (ii), (iii), (v), (vii), (viii), and (xii), and (f): repeal.

New section 16(2A): insert after subsection (2):

(2A) The representatives appointed in accordance with subsection (2)(ca) must—

(a) be members of—

(i) the Auckland Council; or

(ii) a local board of the Auckland Council elected in accordance with the Local Electoral Act 2001; and

(b) include 1 member of each of the Great Barrier Island and Waiheke Island local boards.

Section 16(3): omit "(f), or subsection".

Section 16(4): repeal.

Section 27: repeal and substitute:

Hauraki Gulf Marine Park Act 2000 (2000 No 1)—*continued*

27 Powers and obligations of Auckland Council

The Auckland Council must store the Forum's records and make them available when the Forum requires.

Income Tax Act 2007 (2007 No 97)

Paragraph (b) of the definition of **council-controlled organisation** in section YA 1: omit "the Auckland Regional Transport Authority (as established by section 7 of the Local Government (Auckland) Amendment Act 2004)" and substitute "Auckland Transport (as established by section 38 of the Local Government (Auckland Council) Act 2009)".

Paragraph (b)(vii) of the definition of **local authority** in section YA 1: repeal and substitute:

(vii) Auckland Transport (as established by section 38 of the Local Government (Auckland Council) Act 2009):

Land Transport Management Act 2003 (2003 No 118)

Definitions of **ARTA**, **Auckland local authority**, **Auckland Region**, **Auckland Regional Council**, and **Auckland territorial authority** in section 5(1): repeal.

Section 5(1): insert in their appropriate alphabetical order:

Auckland has the same meaning as in section 4(1) of the Local Government (Auckland Council) Act 2009

Auckland Council has the same meaning as in section 4(1) of the Local Government (Auckland Council) Act 2009

Auckland Transport means the entity established under section 38 of the Local Government (Auckland Council) Act 2009

Definition of **public road controlling authority** in section 5(1): repeal and substitute:

public road controlling authority, in relation to a concession road or a toll road, means the following persons, regardless of whether any other person is also a controlling authority for the road:

(a) the Agency; or

(b) a territorial authority; or

(c) Auckland Transport

Definition of **regional council** in section 5(1): repeal and substitute:

regional council—

(a) means a regional council within the meaning of section 5(1) of the Local Government Act 2002; but

(b) when used in—

Land Transport Management Act 2003 (2003 No 118)—*continued*

(i) subparts 1 and 2 of Part 2, includes a unitary authority except the Auckland Council:

(ii) subpart 3 of Part 2 and Part 3, includes a unitary authority

Definition of **regional transport committee** in section 5(1): omit "or clause 11 of Schedule 7".

Definition of **road controlling authority** in section 5(1): repeal and substitute:

road controlling authority,—

(a) in relation to a road, means the Minister, department of State, Crown entity, State enterprise, or territorial authority that controls the road; but

(b) in relation to a road within Auckland that is controlled by Auckland Transport, means Auckland Transport

Section 10(4) and (5): repeal.

Section 10(6): omit "Despite subsection (4), the Auckland Regional Council may receive funds directly from the Agency" and substitute "The Auckland Council may receive funds from the Agency only".

Section 10(6): omit "the Auckland Region" and substitute "Auckland".

Section 12(2): omit "the Auckland Region, ARTA" and substitute "Auckland, Auckland Transport".

Section 13(1): omit "the Auckland Region" and substitute "Auckland".

Section 13(2): omit "ARTA (in the case of the Auckland Region)" and substitute "Auckland Transport, in the case of Auckland,".

Section 13(3): repeal.

Heading to section 15: omit "**ARTA**" and substitute "**Auckland Transport**".

Section 15: omit "ARTA" and substitute "Auckland Transport".

Section 15(a)(iii): insert "and the Auckland regional land transport strategy" after "GPS".

Section 15(b): repeal.

Heading to section 16: omit "**Region**".

Section 16(1): omit "the Auckland Region" and substitute "Auckland".

Section 17: repeal and substitute:

17 Form and content of Auckland Transport's regional land transport programmes

(1) Auckland Transport's regional land transport programme must contain, for the 3 financial years to which the programme relates,—

(a) the following activities and combinations of activities that Auckland Transport decides to include in the programme:

Land Transport Management Act 2003 (2003 No 118)—*continued*

(i) activities or combinations of activities proposed by Auckland Transport or the governing body of the Auckland Council; and

(ii) activities or combinations of activities relating to State highways in the region that are proposed by the Agency; and

(iii) activities or combinations of activities, other than those relating to State highways, that the Agency may propose for Auckland and that it wishes to see included in the programme; and

(b) any activities or combinations of activities that are proposed by the governing body of the Auckland Council or any other approved organisation to be—

(i) included in the programme; and

(ii) fully funded from sources other than the national land transport fund; and

(c) the order of priority, as determined by Auckland Transport, of the activities or combinations of activities that it decides to include in the programme under paragraph (a); and

(d) an assessment of each activity or combination of activities, prepared in accordance with subsection (5) by the organisation that proposed the activity or combination of activities under paragraph (a), which must include—

(i) the objective or objectives to be achieved; and

(ii) an estimate of the total cost and the cost for each year; and

(iii) the expected duration; and

(iv) any proposed sources of funding (including, but not limited to, the national land transport fund, tolls, funding from approved organisations, and contributions from other parties); and

(v) any other relevant information; and

(e) an assessment of each activity or combination of activities, prepared in accordance with subsection (6) by the approved organisation that proposed the activity or combination of activities under paragraph (b), which must include—

(i) an estimate of the total cost and the cost for each year; and

(ii) the expected duration.

(2) The programme must contain assessments by Auckland Transport of—

(a) how the programme complies with section 15; and

(b) the relationship of Police activities or combinations of Police activities to the programme.

(3) The programme must also include—

Land Transport Management Act 2003 (2003 No 118)—*continued*

(a) a statement of transport priorities for the region for the 6 financial years from the start of the programme; and

(b) a list of each activity or combination of activities that have been started but are not yet completed; and

(c) an identification of those activities or combinations of activities (if any) that have inter-regional significance; and

(d) an explanation of the proposed action if it is proposed that an activity or combination of activities be varied, suspended, or abandoned; and

(e) an indication of any nationally or regionally significant activities that are likely to be recommended for inclusion in the national land transport programme over the 3 financial years following the programme; and

(f) a financial forecast of revenue and expenditure on activities for the 10 financial years from the start of the programme; and

(g) a description of how monitoring will be undertaken to assess implementation of the programme; and

(h) a summary of the consultation carried out in the preparation of the programme; and

(i) a summary of the policy relating to significance adopted by Auckland Transport under section 106(2); and

(j) any other relevant matters.

(4) To include activities or combinations of activities in a national land transport programme, the programme must be in the form and contain the detail that the Agency prescribes in writing to Auckland Transport.

(5) The assessment under subsection (1)(d) must be in a form and contain the detail required by Auckland Transport, taking account of any prescription made by the Agency under subsection (4).

(6) The assessment under subsection (1)(e) must be in a form and contain the detail required by Auckland Transport.

Section 18: omit "ARTA" and substitute "Auckland Transport".

Section 18: insert after paragraph (a):

(ab) the Auckland Council, if affected; and

Section 18: add as subsection (2):

(2) If consulting the Auckland Council, a regional land transport committee or Auckland Transport must consult both the governing body and each affected local board of the Council.

Section 18A(1): omit "ARTA" and substitute "Auckland Transport".

Section 18A(2) and (3): repeal and substitute:

Land Transport Management Act 2003 (2003 No 118)—*continued*

(2) A regional transport committee complies with subsection (1) if the required consultation on the regional land transport programme is carried out in conjunction with the relevant regional council's consultation on its long-term council community plan or its annual plan under the Local Government Act 2002.

(3) Auckland Transport complies with subsection (1) if the required consultation on the regional land transport programme is carried out in conjunction with the Auckland Council's consultation on its long-term council community plan or its annual plan under the Local Government Act 2002.

(4) Auckland Transport is not required to consult, under section 18 and this section, any organisation or person referred to in section 18 if the Auckland Council has already consulted the organisation or person—

(a) in the course of preparing the Council's current long-term council community plan or annual plan; and

(b) in accordance with the Local Government Act 2002.

Heading to section 18C: omit "**ARTA**" and substitute "**Auckland Transport**".

Section 18C: omit "ARTA" and substitute "Auckland Transport".

Section 18D: omit "ARTA" in each place where it appears and substitute in each case "Auckland Transport".

Section 18D(3)(b): omit "ARTA's" and substitute "Auckland Transport's".

Section 18E(7): omit "the Auckland Region" and substitute "Auckland".

Section 18F: omit "ARTA" and substitute "Auckland Transport".

Section 18F: add as subsection (2):

(2) In addition, Auckland Transport must make available information about the current funding arrangements, or proposed funding arrangements, in respect of each activity or combination of activities included in its regional land transport programme—

(a) for inspection by the public, free of charge; and

(b) on an Internet site in a format that is readily accessible and, if practicable, that can be used by the visually impaired.

Section 19D(2): omit "ARTA" and substitute "Auckland Transport".

Section 23(4): omit "and ARTA" and substitute "and Auckland Transport".

Section 26(da): repeal and substitute:

(da) made from Auckland Transport's land transport disbursement account if the payment is made to the Auckland Council's land transport disbursement account; or

Section 35: omit "ARTA," and substitute "Auckland Transport,".

Land Transport Management Act 2003 (2003 No 118)—*continued*

Section 38(4): repeal.

New section 38AA: insert after section 38:

38AA Duty to co-operate

(1) It is the duty of the Secretary, the Agency, and approved organisations to give reasonable assistance to each other to enable them to perform their respective functions and duties, and exercise their respective powers, under this Act.

(2) In acting under this Act, the Agency, Auckland Transport, and the Auckland Council must work co-operatively with each other and the New Zealand Railways Corporation, the Police, and other organisations that have responsibilities in relation to the Auckland transport system and State highways and railways within Auckland, to help ensure a co-ordinated approach to decision making about Auckland transport.

(3) In subsection (2), **Auckland transport system** has the same meaning as in section 37(1) of the Local Government (Auckland Council) Act 2009.

Section 38A(2): omit "ARTA's" and substitute "Auckland Transport's".

Paragraph (d) of the definition of **project agency** in section 65C: repeal.

Section 65C: insert in its appropriate alphabetical order:

> **regional transport committee**, in relation to Auckland, means the Auckland Council

Section 65D(3)(b): repeal and substitute:

> (b) in relation to Auckland, means Auckland (as defined in section 4(1) of the Local Government (Auckland Council) Act 2009

Section 65D(4): repeal.

Section 65E(3) to (5): repeal.

Section 65G(1)(d)(i): omit "the Auckland Region" in each place where it appears and substitute in each case "Auckland".

Section 65H(a): omit "the Auckland Region includes ARTA" and substitute "Auckland, includes Auckland Transport".

Heading to section 65M: omit "**Region**".

Section 65M: omit "the Auckland Region" in each place where it appears and substitute in each case "Auckland".

Section 73(1): omit "(for regions other than Auckland)".

Section 73(1): insert "(or by the Auckland Council for Auckland)" after "relevant regional council".

Section 74(1): insert "except the Auckland Council" after "each regional council".

Section 74(2), (3), and (4): repeal and substitute:

Land Transport Management Act 2003 (2003 No 118)—*continued*

(2) At least once in every 6 financial years, the Auckland Council must prepare and approve a regional land transport strategy for Auckland that covers a period of at least 30 financial years.

(3) The Auckland Council must appoint a representative of the Agency (nominated by the Agency) to be a special adviser to the Council when preparing the strategy.

(4) The special adviser may attend any meetings of the Council or any meetings of any subcommittee of the Council relating to the preparation or approval of the strategy and, for this purpose, must be—

(a) given reasonable notice of the time and place of every meeting of the Council or the subcommittee and given any documents that relate to the meeting; and

(b) treated as a non-voting member of the Council or subcommittee.

Section 76: omit "preparing a regional land transport strategy on behalf of a regional council, a regional transport committee" and substitute "a regional transport committee or the Auckland Council prepares a regional land transport strategy, it".

Section 77(l): insert "or the Auckland Council" after "regional transport committee".

Section 77(m): insert "or the Auckland Council" after "regional transport committee".

Section 78(1): omit "preparing a proposed regional land transport strategy on behalf of a regional council, a regional transport committee" and substitute "a regional transport committee or the Auckland Council prepares a proposed regional land transport strategy, it".

Section 78(2): insert "or the Auckland Council" after "regional transport committee".

Section 78: insert after subsection (3):

(3A) The Auckland Council complies with subsection (2) if the required consultation on the regional land transport strategy is carried out in conjunction with the Council's consultation on its long-term council community plan or its annual plan under the Local Government Act 2002.

Section 78(4): repeal and substitute:

(4) When a regional transport committee or the Auckland Council is preparing a regional land transport strategy, an approved organisation and the Agency must assist the committee or the Council by giving it any reasonably requested information that it needs in order to prepare its strategy.

Section 83(1): insert "and the Auckland Council" after "regional transport committee".

Section 83(2): insert ", or the Auckland Council, as the case may be," after "supply to the regional transport committee".

Section 83(2): insert "or the Auckland Council" after "requested by the regional transport committee".

Land Transport Management Act 2003 (2003 No 118)—*continued*

Section 83(3): insert "or the Auckland Council" after "relevant regional council".

Section 103(8): add "and, if the road concerned is within Auckland, the Agency must also consult Auckland Transport".

Section 105(11): omit "(other than a territorial authority in the Auckland Region)".

Section 105(14) and (15): repeal and substitute:

(14) For the purposes of subsection (11), **region** has the same meaning as in section 5(1) of the Local Government Act 2002.

(15) Nothing in this section applies to the Auckland Council or Auckland.

Section 106(2): omit "ARTA" and substitute ", in the case of Auckland, the Auckland Council and Auckland Transport".

Section 108(3): omit ", ARTA, or the Auckland regional transport committee" and substitute "or Auckland Transport".

Section 108(4): omit ", ARTA, or the Auckland regional transport committee (as the case may be)" and substitute "or Auckland Transport".

Schedule 7: repeal.

Litter Act 1979 (1979 No 41)

Definition of **public authority** in section 2(1): omit "the Auckland Regional Authority,".

Local Electoral Act 2001 (2001 No 35)

Section 111(1)(j): repeal and substitute:

(j) exceed $70,000 if any local government area over which the election is held has a population smaller than 1 000 000 and larger than 249 999:

(k) exceed the sum referred to in subsection (1A) if any local government area over which the election is held has a population of 1 000 000 or more.

Section 111: insert after subsection (1):

(1A) The sum is—

(a) $100,000 plus the amount prescribed under section 139(1)(ha) for each elector; or

(b) $100,000 plus 50 cents for each elector, if no amount is prescribed under section 139(1)(ha).

Section 139(1): insert after paragraph (h):

(ha) prescribing the amount for each elector for the purposes of section 111(1A)(a):

Local Government Act 1974 (1974 No 66)

Heading above section 37SE: repeal.

Sections 37SE to 37SH: repeal.

Part 44A: repeal.

Section 707ZZZR: repeal.

Section 707ZZZS: repeal.

Section 707ZZZU: repeal.

Item relating to Auckland in Schedule 7: omit "Rodney District", "Waitakere City", "North Shore City", "Auckland City (D)", "Manukau City", "Papakura District", and "Franklin District" and substitute "Auckland".

Local Government Amendment Act 1992 (1992 No 42)

Section 67(2): repeal.

Section 77: repeal.

Section 89: repeal.

Local Government Amendment Act 1998 (1998 No 89)

Repeal.

Local Government (Auckland) Amendment Act 2004 (2004 No 57)

Repeal.

Local Government Act 2002 (2002 No 84)

Definition of **network assets of Watercare Services Limited** in section 5(1): repeal.

Definition of **waterworks** in section 5(1): repeal and substitute:

> **waterworks**, in relation to the provision of water supply, includes—
>
> (a) rivers, streams, lakes, waters, and underground waters, and rights relating to these; and
>
> (b) land, watershed, catchment, and water collection areas; and
>
> (c) if vested in a local government organisation, or acquired, constructed, or operated by, or under the control of, a local government organisation,—
>
> (i) reservoirs, dams, bores, tanks, and pipes; and
>
> (ii) buildings, machinery, and appliances

Section 23(5): repeal and substitute:

> (5) Despite subsection (1), the Auckland Council and the Chatham Islands Council are territorial authorities.

Heading to section 225: omit "**and network assets of Watercare Services Limited**".

Section 225(1)(d): omit "; or".

Local Government Act 2002 (2002 No 84)—*continued*

Section 225(1)(e): repeal.

Section 226: omit "or Watercare Services Limited".

Section 226: omit "or the network assets of Watercare Services Limited".

Section 313: repeal.

Part 1 of Schedule 2: omit item relating to Auckland Regional Council.

Part 2 of Schedule 2: omit items relating to Auckland City Council, Franklin District Council, Manukau City Council, North Shore City Council, Papakura District Council, Rodney District Council, and Waitakere City Council.

Part 2 of Schedule 2: insert in its appropriate alphabetical order:

Auckland Council	section 6(1) of the Local Government (Auckland Council) Act 2009

Local Government Official Information and Meetings Act 1987 (1987 No 174)

Part 2 of Schedule 1: insert in their appropriate alphabetical order:

> The board established under Part 7 of the Local Government (Auckland Council) Act 2009
>
> The selection body established under Schedule 2 of the Local Government (Auckland Council) Act 2009

Local Legislation Act 1961 (1961 No 127)

Section 58: repeal.

Local Legislation Act 1966 (1966 No 108)

Section 39: repeal.

Ombudsmen Act 1975 (1975 No 9)

Part 3 of Schedule 1: omit "The Auckland Regional Authority".

Part 3 of Schedule 1: insert "Auckland Council" in its appropriate alphabetical order.

Orakei Act 1991 (1991 No 122)

Section 7(2): omit "in the Auckland City Council" and substitute "in the Auckland Council".

Section 7(2): omit "by the Auckland City Council".

Section 7(4): omit "City".

Section 24: omit "City".

Section 25(1): omit "City".

Section 25(2): omit "City".

Section 27(2): omit "City".

Section 28(4)(b): omit "City".

Orakei Act 1991 (1991 No 122)—*continued*

Section 30(1): omit "City" in each place where it appears.

Section 30(4): omit "City".

Section 34(b): omit "Auckland City Council or the Auckland Regional Council" and substitute "Auckland Council".

Public Audit Act 2001 (2001 No 10)

Schedule 2: insert in its appropriate alphabetical order:

> The board established under Part 7 of the Local Government (Auckland Council) Act 2009.

Public Transport Management Act 2008 (2008 No 87)

Definitions of **ARTA**, **Auckland region**, and **Auckland Regional Council** in section 4: repeal.

Section 4: insert in their appropriate alphabetical order:

> **Auckland** has the same meaning as in section 4(1) of the Local Government (Auckland Council) Act 2009
>
> **Auckland Council** has the same meaning as in section 4(1) of the Local Government (Auckland Council) Act 2009
>
> **Auckland Transport** has the same meaning as in section 4(1) of the Local Government (Auckland Council) Act 2009

Paragraph (a)(i) of the definition of **regional council** in section 4: repeal and substitute:

> (i) Auckland Transport, in relation to Auckland; and

Paragraph (b) of the definition of **regional council** in section 4: repeal and substitute:

> (b) does not include the Auckland Council

Heading to section 6: omit "**ARTA**" and substitute "**Auckland Transport**".

Section 6: omit "ARTA" and substitute "Auckland Transport".

Section 8(b): omit "the Auckland region, the Auckland Regional" and substitute "Auckland, the Auckland".

Section 9(6): omit "(other than a territorial authority in the Auckland region)".

Section 11(1)(c)(i)(F): omit "ARTA, the Auckland Regional Council" and substitute "Auckland Transport, the Auckland Council".

Section 11(2) and (3): omit "ARTA" and substitute in each case "Auckland Transport".

Section 14(3)(d): omit "the Auckland region, to the Auckland Regional" and substitute "Auckland, to the Auckland".

Section 20(1)(a): omit "(and, in the case of ARTA, the Auckland Regional Council)" and substitute "(or, in the case of Auckland Transport, the Auckland Council)".

Public Transport Management Act 2008 (2008 No 87)—*continued*

Section 20(3)(d): repeal and substitute:

(d) in the case of Auckland, to the Auckland Council, in accordance with section 22; or

Section 20(6): omit "ARTA" and substitute "Auckland Transport".

Section 20(7): omit "the Auckland region" and substitute "Auckland".

Section 20(8): omit "the Auckland region, ARTA" and substitute "Auckland, Auckland Transport".

Section 20(8)(a): omit "ARTA's" and substitute "Auckland Transport's".

Section 20(8)(b): omit "Regional".

Section 22: omit "Auckland Regional Council" in each place where it appears and substitute in each case "Auckland Council".

Section 22: omit "ARTA" in each place where it appears and substitute in each case "Auckland Transport".

Section 22(3): omit "ARTA's" and substitute "Auckland Transport's".

Section 22(3)(b): omit "Local Government (Auckland) Amendment Act 2004" and substitute "Local Government (Auckland Council) Act 2009".

Section 22(7): omit "Auckland Regional Council's" in each place where it appears and substitute in each case "Auckland Council's".

Section 66(1): omit "the Auckland region" and substitute "Auckland".

Section 66(2): omit "the Auckland region, ARTA" and substitute "Auckland, Auckland Transport".

Section 66(2): omit "Auckland Regional Council" and substitute "Auckland Council".

Section 66(6): omit "the Auckland region" and substitute "Auckland".

Section 68: repeal.

Rating Valuations Act 1998 (1998 No 69)

Sections 60(2)(b) and 61(2): repeal.

Reserves and Other Lands Disposal Act 1952 (1952 No 69)

Section 38: repeal.

Resource Management Act 1991 (1991 No 69)

Section 33(2): repeal and substitute:

(2) For the purposes of this section, **public authority** includes—

(a) a local authority; and

(b) an iwi authority; and

Resource Management Act 1991 (1991 No 69)—*continued*

(c) a board of a foreshore and seabed reserve; and

(d) a government department; and

(e) a statutory authority; and

(f) a joint committee set up for the purposes of section 80; and

(g) a local board (within the meaning of section 4(1) of the Local Government (Auckland Council) Act 2009.

Section 34: insert after subsection (3):

(3A) The Auckland Council may delegate to any local board any of its functions, powers, or duties under this Act in respect of any matter of local significance to that board, other than the approval of a plan or any change to a plan.

(3B) Subsection (3A) does not prevent the Auckland Council delegating to a local board power to do anything before a final decision on the approval of a plan or any change to a plan.

Section 34: add:

(11) In subsections (3A) and (3B), **Auckland Council** and **local board** have the meanings given in section 4(1) of the Local Government (Auckland Council) Act 2009.

Part 2
Amendments to and repeals of Local, Private, and Provincial Acts

Auckland and Manukau Canal Act 1908 (1908 No 24 (L))

Repeal.

Auckland Aotea Centre Empowering Act 1985 (1985 No 9 (L))

Repeal.

Auckland City and Auckland Harbour Board Empowering Act 1914 (1914 No 7 (L))

Sections 6, 8, 9, 10, and 11: repeal.

Section 12: insert "Auckland" after "lawful for the".

Section 13: insert "Auckland" after "The".

Auckland City and Auckland Museum Empowering Act 1924 (1924 No 1 (L))

Sections 3 to 7: repeal.

Heading to section 8: omit "**Corporation**" and substitute "**Auckland Council**".

Section 8: omit "Corporation" in each place where it appears and substitute in each case "Auckland Council".

Auckland City and Auckland Museum Empowering Act 1924 (1924 No 1 (L))—*continued*

Section 8(2)(e): insert "Auckland" after "terms and conditions as the".

Section 9: repeal.

Heading to section 10: omit "**Corporation**" and substitute "**Auckland Council**".

Section 10: omit "Corporation" and substitute "Auckland Council".

Section 12: omit "Corporation" in the first three places where it appears and substitute in each case "Auckland Council".

Section 12: omit "Corporation" in the fifth place where it appears and substitute "Auckland Council".

Section 12: omit "City of".

Section 13: repeal.

Heading to section 14: omit "**Corporation**" and substitute "**Auckland Council**".

Section 14: omit "Corporation" in each place where it appears and substitute in each case "Auckland Council".

Auckland City Council and Auckland Harbour Board Empowering Act 1950 (1950 No 7 (L))

Repeal.

Auckland City Council and Motuihi Island Domain Board Empowering Act 1930 (1930 No 17 (L))

Section 2: omit "City".

Heading to section 4: omit "**City**".

Section 4: omit "by it" in each place where it appears.

Section 4: omit "the City of".

Auckland City Council (Newmarket Land Vesting) Act 1998 (1998 No 1 (L))

Section 2(2): omit "City".

Auckland City Council (Remuera Shopping Development) Empowering Act 1975 (1975 No 4 (L))

Heading to section 2: omit "**the Corporation's**" and substitute "**Auckland Council's**".

Section 2: omit "Corporation" in each place where it appears and substitute in each case "Auckland Council".

Auckland City Council (Reserves Disposal) Empowering Act 1982 (1982 No 8 (L))

Repeal.

Auckland City Council (St Heliers Bay Reserve) Act 1995 (1995 No 4 (L))

Section 6: add as subsection (2):

(2) In this section, **Council** means the Auckland Council established by section 6(1) of the Local Government (Auckland Council) Act 2009.

Auckland City Council (Workers' Homes) Vesting and Empowering Act 1991 (1991 No 6 (L))

Section 6: add:

(3) In this section, **Council** means the Auckland Council established by section 6(1) of the Local Government (Auckland Council) Act 2009.

Auckland City Empowering Act 1932–33 (1932–33 No 8 (L))

Section 2: repeal.

Section 3(1): insert "Auckland" after "be lawful for the".

Section 3(1)(a): omit "Corporation of the City of Auckland" and substitute "Auckland Council".

Section 3(1)(c): repeal.

Heading to section 4: omit "**City of Auckland**" and substitute "**Auckland Council**".

Section 6: omit "the Council" in each place where it appears and substitute in each case "the Auckland Council".

Section 7: insert "Auckland" after "be lawful for the".

Section 7: omit "the City of" in each place where it appears.

Auckland Domain Act 1987 (1987 No 7 (L))

Long Title: omit "**City**".

Definition of **Council** in section 2: omit "City".

Auckland Harbour Board Act 1885 (1885 No 2 (L))

Repeal.

Auckland Harbour Board and Birkenhead Borough Empowering Act 1907 (1907 No 19 (L))

Section 3: repeal.

Section 4: omit "Birkenhead Borough" in each place where it appears and substitute in each case "Auckland Council".

Section 6: repeal.

Heading to section 7: omit "**Borough**" and substitute "**Auckland Council**".

Section 7: omit "borough or boroughs for the time being having control of the said land" and substitute "Auckland Council".

Auckland Harbour Board and Devonport Borough Council Empowering Act 1905 (1905 No 18 (L))

Section 4: omit "Devonport Borough Council" and substitute "Auckland Council".

Auckland Harbour Board and Takapuna Borough Council Empowering Act 1923 (1923 No 7 (L))

Section 5: omit "The Council" and substitute "The Auckland Council".

Section 6: omit "the Council" and substitute "the Auckland Council".

Auckland Harbour Board (Auckland Regional Authority Pikes Point East Reclamation) Empowering Act 1976 (1976 No 9 (L))

Repeal.

Auckland Harbour Board Empowering Act 1894 (1894 No 15 (L))

Repeal.

Auckland Harbour Board Empowering Act 1900 (1900 No 19 (L))

Repeal.

Auckland Harbour Board (Half Moon Bay) Vesting and Empowering Act 1968 (1968 No 6 (L))

Definition of **Council** in section 2: omit "Manukau City" and substitute "Auckland".

Heading to section 15: omit "**Manukau City**" and substitute "**Auckland**".

Section 15(1): omit "the Manukau City and any such alteration of the boundary or boundaries of the City" and substitute "Auckland".

Auckland Harbour Board (Princes Wharf) Empowering Act 1989 (1989 No 8 (L))

Section 6(1): omit "the district of the City of".

Section 6(3): omit "City".

Auckland Harbour Board (Reclamation) Empowering Act 1967 (1967 No 8 (L))

Definition of **Auckland Regional Authority** in section 2: repeal.

Section 2: insert in its appropriate alphabetical order:

> **Auckland Council** means the local authority established by section 6(1) of the Local Government (Auckland Council) Act 2009

Section 4(2): omit "Regional Authority" and substitute "Council".

Section 5A: omit "Regional Authority" in each place where it appears and substitute in each case "Council".

Auckland Harbour Board (Tamaki Port Industrial Estate) Vesting and Empowering Act 1967 (1967 No 17 (L))

Repeal.

Auckland Improvement Trust Act 1971 (1971 No 9 (L))

Definition of **Council** in section 2(1): add "and, in sections 4 to 9, includes the Auckland Council established by section 6(1) of the Local Government (Auckland Council) Act 2009".

Auckland Metropolitan Drainage Amendment Act 1951 (1951 No 18 (L))

Repeal.

Auckland Regional Amenities Funding Act 2008 (2008 No 3 (P))

Section 3(2): omit "all the territorial authorities in the Auckland region are" and substitute "the Auckland Council is".

Section 3(2): omit "contribute" and substitute "contributes".

Definitions of **adjusted revenue from rates**, **contributing authority**, **district**, and **Electoral College** in section 4: repeal.

Section 4: insert in its appropriate alphabetical order:

> **Auckland Council** means the local authority established by section 6(1) of the Local Government (Auckland Council) Act 2009

Definition of **Auckland region** in section 4: omit "region of the Auckland Regional Council" and substitute "district of the Auckland Council".

Paragraph (d) of the definition of **revenue from rates** in section 4: repeal.

Section 7(2): omit "Electoral College" and substitute "Auckland Council".

Section 7(4): omit "Electoral College" in each place where it appears and substitute in each case "Auckland Council".

Section 7(6)(a): omit "a contributing authority" and substitute "the Auckland Council".

Section 7(6)(b): omit "a contributing authority" and substitute "the Auckland Council".

Section 7(6)(c): omit "a contributing authority" and substitute "the Auckland Council".

Section 14(1): omit "Electoral College" and substitute "Auckland Council".

Section 14(1)(h): omit "Electoral College" and substitute "Auckland Council".

Section 14(1)(i): omit "Electoral College" and substitute "Auckland Council".

Section 15: omit "Electoral College" and substitute "Auckland Council".

Section 16(1): omit "Electoral College" and substitute "Auckland Council".

Section 16(3)(b): omit "Electoral College" and substitute "Auckland Council".

Auckland Regional Amenities Funding Act 2008 (2008 No 3 (P))—*continued*

Section 16(4)(a): omit "Electoral College" and substitute "Auckland Council".

Section 16(4)(b): omit "Electoral College" and substitute "Auckland Council".

Section 17(1): omit "Electoral College" and substitute "Auckland Council".

Section 17(3): omit "Electoral College" and substitute "Auckland Council".

Heading to section 18: omit "**Electoral College**" and substitute "**Auckland Council**".

Section 18: omit "Electoral College" and substitute "Auckland Council".

Heading to section 19: omit "**Electoral College**" and substitute "**Auckland Council**".

Section 19(4): omit "Electoral College" and substitute "Auckland Council".

Section 19(5): omit "Electoral College" and substitute "Auckland Council".

Section 19(6): omit "Electoral College" and substitute "Auckland Council".

Section 19(6)(a): omit "Electoral College" and substitute "Auckland Council".

Section 19(6)(d): omit "Electoral College" and substitute "Auckland Council".

Section 19(7): omit "Electoral College" and substitute "Auckland Council".

Section 20(1): omit "Electoral College" and substitute "Auckland Council".

Section 20(2): omit "Electoral College" and substitute "Auckland Council".

Section 20(2)(b): omit "each of the contributing authorities and".

Section 21(1): omit "Electoral College" and substitute "Auckland Council".

Section 21(1)(d): omit "Electoral College" and substitute "Auckland Council".

Section 21(1)(g): omit "maximum total levy" and substitute "maximum levy".

Section 21(1)(h): omit "Electoral College" and substitute "Auckland Council".

Section 21(2): omit "Electoral College" and substitute "Auckland Council".

Section 21(3): omit "Electoral College" and substitute "Auckland Council".

Section 25(2)(h): omit "total" in each place where it appears.

Section 25(2)(i): omit "total".

Section 25(4): omit "total".

Section 26(1): omit "chairpersons" and substitute "chairperson".

Heading to section 26: omit "**Electoral College**" and substitute "**Auckland Council**".

Section 26(1): omit "the Electoral College" and substitute "a person appointed by the Auckland Council for the purpose".

Section 26(1)(a): omit "Electoral College" and substitute "Auckland Council".

Section 26(2): omit "Electoral College" and substitute "Auckland Council".

Section 27(1)(b): omit "Electoral College, the specified amenities, and the contributing authorities" and substitute "Auckland Council and the specified amenities".

Section 27(2): omit "Electoral College" and substitute "Auckland Council".

Auckland Regional Amenities Funding Act 2008 (2008 No 3 (P))—*continued*

Section 27(3): repeal.

Section 27(6)(c): omit "Electoral College" and substitute "Auckland Council".

Section 27(6)(d): omit "Electoral College's" and substitute "Auckland Council's".

Section 27(6)(d): omit "total".

Heading to section 28: omit "**Electoral College**" and substitute "**Auckland Council**".

Section 28: omit "Electoral College" and substitute "Auckland Council".

Section 28(a): omit "total".

Section 28(b): omit "total".

Heading to section 29: omit "**Electoral College**" and substitute "**Auckland Council**".

Section 29(1): omit "Electoral College" and substitute "Auckland Council".

Section 29(1): omit "total".

Section 29(3)(a): omit "Electoral College" and substitute "Auckland Council".

Section 29(4)(a): omit "Electoral College" and substitute "Auckland Council".

Section 29(4)(c): omit "total" in each place where it appears.

Section 29(5): omit "total" in each place where it appears.

Section 29(5): omit "for the purpose of fixing the individual levies under section 35".

Section 29(6): omit "total".

Section 30(3)(c): omit "each contributing authority" and substitute "the Auckland Council".

Heading above section 31: repeal.

Sections 31 to 33: repeal.

Section 34: repeal and substitute:

34 Maximum levy for financial years after first financial year

(1) The maximum levy is,—

(a) for the second financial year,—

(i) if section 43 applies as at the specified date, $16 million; or

(ii) if section 43 does not apply as at the specified date, $12 million; and

(b) for the third financial year,—

(i) if section 43 applies as at the specified date, $19 million; or

(ii) if section 43 does not apply as at the specified date, $15 million; and

Auckland Regional Amenities Funding Act 2008 (2008 No 3 (P))—*continued*

(c) for the fourth financial year and each following financial year, the amount equal to 2% of the revenue from rates of the Auckland Council in the previous financial year.

(2) In subsection (1), **specified date** means 30 November in the year immediately before the financial year for which the maximum levy is being calculated.

Heading to section 35: omit "**individual levies**" and substitute "**levy**".

Section 35(1): omit "first" and substitute "second".

Section 35(1)(a)(i): omit "Electoral College's" and substitute "Auckland Council's".

Section 35(1)(a)(i): omit "total".

Section 35(1)(a)(ii): omit "total".

Section 35(2): repeal and substitute:

(2) The Funding Board must send written notice of the levy to the Auckland Council.

Section 36: repeal and substitute:

36 Auckland Council to pay levy for financial years after second financial year

(1) This section applies to the levy notified under section 35(2).

(2) The Auckland Council must pay the amount of the levy—

(a) out of its general revenues; and

(b) to the Funding Board; and

(c) on the next 1 July after the notification.

Section 37: repeal.

Section 40(3)(c): omit "each contributing authority" and substitute "the Auckland Council".

Heading to section 41: omit "**Contributing authority's**" and substitute "**Auckland Council's**".

Section 41: omit "Every contributing authority" and substitute "The Auckland Council".

Section 42(3): omit "a contributing authority" and substitute "the Auckland Council".

Section 43(1): omit "City".

Section 43(2)(a)(ii): omit "City".

Subpart 6 of Part 2: repeal.

Schedules 2 and 3: repeal.

Clause 2(1)(a) in Schedule 4: omit "body that appointed them" and substitute "Amenities Board".

Auckland Regional Amenities Funding Act 2008 (2008 No 3 (P))—*continued*

Clause 2(1)(b) in Schedule 4: omit "contributing authorities" and substitute "Auckland Council".

Clause 4(2) in Schedule 4: omit "section 44 or".

Clause 6(1)(d) in Schedule 4: omit "a contributing authority" and substitute "the Auckland Council".

Clause 6(1)(e) in Schedule 4: omit "a contributing authority" and substitute "the Auckland Council".

Clause 6(1)(f) in Schedule 4: omit "a contributing authority" and substitute "the Auckland Council".

Clause 7(1)(a) in Schedule 4: omit "Electoral College" and substitute "Auckland Council".

Clause 10(1) in Schedule 4: omit "Electoral College" and substitute "Auckland Council".

Clause 10(2) in Schedule 4: omit "Electoral College" and substitute "Auckland Council".

Clause 10(3) in Schedule 4: omit "Electoral College" and substitute "Auckland Council".

Clause 10(4) in Schedule 4: omit "Electoral College" and substitute "Auckland Council".

Clause 10(5) in Schedule 4: omit "Electoral College" and substitute "Auckland Council".

Clause 12(2) in Schedule 4: omit "Electoral College" and substitute "Auckland Council".

Clause 12(2) in Schedule 4: omit "one of the contributing authorities" and substitute "the Auckland Council".

Auckland Regional Authority Act 1963 (1963 No 18 (L))

Repeal.

Auckland Reserves Exchange and Change of Trust Act 1881 (1881 No 6 (L))

Repeal.

Auckland Transport Board Empowering Act 1932–33 (1932–33 No 5 (L))

Repeal.

Auckland Transport Board Empowering Act 1934 (1934 No 12 (L))

Repeal.

Auckland War Memorial Museum Act 1996 (1996 No 4 (L))

Section 2: insert in its appropriate alphabetical order:

Auckland War Memorial Museum Act 1996 (1996 No 4 (L))—*continued*

> **Auckland Council** means the local authority established by section 6(1) of the Local Government (Auckland Council) Act 2009

Definitions of **Auckland Museum Electoral College**, **contributing authorities**, and **Electoral College** in section 2: repeal.

Section 4(1)(a): omit "contributing authorities in accordance with section 13 of this Act" and substitute "Auckland Council".

Section 4(3): omit "a contributing authority, the principal administrative officer of a contributing authority, an employee of a contributing authority who reports directly to the principal administrative officer" and substitute "the Auckland Council, the chief executive of the Auckland Council, an employee of the Auckland Council who reports directly to the chief executive".

Section 4(4) and (5): repeal.

Section 5(1): omit "subsection (4) of this section and".

Section 5(4) and (5): repeal.

Section 7(8)(a): omit "Electoral College pursuant to section 13 of this Act" and substitute "Auckland Council".

Section 7(8)(b): omit "Electoral College" and substitute "Auckland Council".

Section 12(2)(f): omit "contributing authorities" and substitute "Auckland Council".

Section 13: repeal.

Section 18(g): omit ", and giving administrative support to, the Electoral College" and substitute "the Auckland Council".

Section 22(3): omit "the chairperson of the Electoral College" and substitute "a person appointed by the Auckland Council for the purpose".

Section 22(3): omit "and the Electoral College" and substitute "and the Auckland Council".

Section 22(5): omit "each of the contributing authorities" and substitute "the Auckland Council".

Section 22(6): omit "any contributing authority, the Taumata-a-Iwi, the Institute Council, and the Electoral College" and substitute "the Auckland Council, the Taumata-a-Iwi, and the Institute Council".

Section 22(7): repeal.

Section 22(10): omit "Electoral College" and substitute "Auckland Council".

Section 22(11): omit "Electoral College" and substitute "Auckland Council".

Section 22(12): omit "Electoral College" and substitute "Auckland Council,".

Section 22(13): omit "Electoral College" in each place where it appears and substitute in each case "Auckland Council".

Auckland War Memorial Museum Act 1996 (1996 No 4 (L))—*continued*

Section 22(15)(b): omit "each contributing authority" and substitute "the Auckland Council".

Heading to section 23: omit "**local authorities**" and substitute "**Auckland Council**".

Section 23(1): omit "contributing authorities" and substitute "Auckland Council".

Section 23(2)(a): omit "each contributing authority" and substitute "the Auckland Council".

Section 23(2)(b): omit "each contributing authority" and substitute "the Auckland Council".

Section 23(3): repeal.

Section 23(4): omit "against each contributing authority".

Section 23(4): omit "its district (adjusted as aforesaid) plus 2.5 c per person of the population of its district (adjusted as aforesaid)" and substitute "the Auckland Council's district plus 2.5 c per person of the population of the Auckland Council's district".

Section 23(5): omit "each of the contributing authorities" in each place where it appears and substitute in each case "the Auckland Council".

Section 23(5): omit "each contributing authority" and substitute "the Auckland Council".

Section 23(5): omit "revenues of the contributing authority" and substitute "revenues of the Auckland Council".

Section 23(6): repeal.

Section 27(1): omit "Electoral College" and substitute "Auckland Council".

Section 27(2): add "and as if that section were not repealed by the Local Government Act 2002".

Section 28(5)(b): omit "each contributing authority" and substitute "the Auckland Council".

Heading to section 29: omit "**Contributing authorities**" and substitute "**Auckland Council**".

Section 29: omit "Each contributing authority shall include in its annual report prepared under section 223E of the Local Government Act 1974" and substitute "The Auckland Council must include in its annual report prepared under section 98 of the Local Government Act 2002".

Schedule: repeal.

Auckland War Memorial Museum Site Empowering Act 2003 (2003 No 3 (L))

Definition of **Council** in section 4: add "and includes the Auckland Council established by section 6(1) of the Local Government (Auckland Council) Act 2009".

Cities of Takapuna and Waitemata (Upper Harbour Bridge) Empowering Act 1976 (1976 No 5 (L))

Repeal.

Devonport Borough Vesting Act 1915 (1915 No 11 (L))

Repeal.

Manukau City Council (Pine Harbour Marina Seabed Licence Validation) Act 1994 (1994 No 5 (L))

Repeal.

Mount Smart Regional Recreation Centre Act 1985 (1985 No 10 (L))

Definition of **Authority** in section 2: repeal.

Section 2: insert in its appropriate alphabetical order:

> **Council** means local authority established by section 6(1) of the Local Government (Auckland Council) Act 2009

Heading to section 3: omit "**Authority**" and substitute "**Council**".

Section 3: omit "Authority" and substitute "Council".

Section 4: omit "Authority's" and substitute "Council's".

Heading to section 5: omit "**Authority**" and substitute "**Council**".

Section 5: omit "Authority" in each place where it appears and substitute in each case "Council".

Section 6: omit "Authority" in each place where it appears and substitute in each case "Council".

Heading to section 7: omit "**Authority**" and substitute "**Council**".

Section 7: omit "Authority" and substitute "Council".

Heading to section 8: omit "**Authority**" and substitute "**Council**".

Section 8: omit "Authority" and substitute "Council".

Heading to section 9: omit "**Authority**" and substitute "**Council**".

Section 9: omit "Authority" and substitute "Council".

Heading to section 10: omit "**Authority**" and substitute "**Council**".

Section 10: omit "Authority" and substitute "Council".

Heading to section 12: omit "**Authority**" and substitute "**Council**".

Section 12: omit "Authority" and substitute "Council".

Section 13: omit "Authority" and substitute "Council".

Section 14: omit "Authority" in each place where it appears and substitute in each case "Council".

Heading to section 15: omit "**Authority**" and substitute "**Council**".

Mount Smart Regional Recreation Centre Act 1985 (1985 No 10 (L))—*continued*

Section 15: omit "Authority" and substitute "Council".

Museum of Transport and Technology Act 2000 (2000 No 1 (P))

Section 3: insert in its appropriate alphabetical order:

> **Auckland Council** means the local authority established by section 6(1) of the Local Government (Auckland Council) Act 2009

Definitions of **contributing authorities** and **Electoral College** in section 3: repeal.

Section 5(1)(a): omit "contributing authorities under section 13 of the Auckland War Memorial Museum Act 1996 as if they were members of the Auckland Museum Trust Board appointed under section 4(1)(a) of that Act" and substitute "Auckland Council".

Section 5(3): omit "a contributing authority, the principal administrative officer of a contributing authority, an employee of a contributing authority who reports directly to the principal administrative officer" and substitute "the Auckland Council, the chief executive of the Auckland Council, an employee of the Auckland Council who reports directly to the chief executive".

Section 5(4) to (6): repeal.

Section 6(1): omit "subsection (4) and".

Section 6(4) and (5): repeal.

Section 7(4): omit "except as provided in section 5(5) and (6)".

Section 13(2)(f): omit "contributing authorities" and substitute "Auckland Council".

Section 16(g): omit ", and giving administrative support to, the Electoral College" and substitute "the Auckland Council".

Section 20(2): omit "the chairperson of the Electoral College" and substitute "a person appointed by the Auckland Council for the purpose".

Section 20(2): omit "meetings of the Electoral College" and substitute "meetings of the Auckland Council".

Section 20(4): omit "each of the contributing authorities" and substitute "the Auckland Council".

Section 20(5): omit "any contributing authority, the Society, and the Electoral College" and substitute "the Auckland Council and the Society".

Section 20(6): repeal.

Section 20(9): omit "Electoral College" and substitute "Auckland Council".

Section 20(10): omit "Electoral College" and substitute "Auckland Council".

Section 20(10): omit "37V of the Local Government Act 1974" and substitute "28 of the Local Government Act 2002".

Section 20(11): omit "Electoral College" and substitute "Auckland Council".

Museum of Transport and Technology Act 2000 (2000 No 1 (P))—*continued*

Section 20(12): omit "Electoral College" in each place where it appears and substitute in each case "Auckland Council".

Section 20(14)(c): omit "each contributing authority" and substitute "the Auckland Council".

Heading to section 21: omit "**Contributions by local authorities**" and substitute "**Contribution by Auckland Council**".

Section 21(1): omit "contributing authorities" and substitute "Auckland Council".

Section 21(2): omit "against each contributing authority must not exceed in any year 1/300 c in the dollar on the total capital value of rateable property in its district (adjusted in accordance with subsection (3)) plus 1.5 c per person of the population of its district (adjusted in accordance with subsection (3))" and substitute "must not exceed in any year 1/300 c in the dollar on the total capital value of rateable property in the Auckland Council's district plus 1.5 c per person of the population of the Auckland Council's district".

Section 21(3): repeal.

Section 21(4)(a): omit "each contributing authority" and substitute "the Auckland Council".

Section 21(4)(b): omit "each contributing authority" and substitute "the Auckland Council".

Section 21(5): omit "each of the contributing authorities" in each place where it appears and substitute in each case "the Auckland Council".

Section 21(5): omit "each contributing authority" and substitute "the Auckland Council".

Section 21(5): omit "the contributing authority" and substitute "the Auckland Council".

Section 21(6): repeal.

Section 25(5)(c): omit "each contributing authority" and substitute "the Auckland Council".

Heading to section 26: omit "**Contributing authorities**" and substitute "**Auckland Council**".

Section 26: omit "Each contributing authority must include in its annual report prepared under section 223E of the Local Government Act 1974" and substitute "The Auckland Council must include in its annual report prepared under section 98 of the Local Government Act 2002".

Schedule: repeal.

Newmarket Borough Council (Car Park Development) Empowering Act 1981 (1981 No 2 (L))

Section 2: add as subsection (4):

Newmarket Borough Council (Car Park Development) Empowering Act 1981 (1981 No 2 (L))—*continued*

(4) In this section, **Council** means the Auckland Council established by section 6(1) of the Local Government (Auckland Council) Act 2009.

North Shore Drainage Act 1963 (1963 No 15 (L))

Repeal.

Rodney County Council (Gulf Harbour) Vesting and Empowering Act 1977 (1977 No 6 (L))

Definition of **Council** in section 2: repeal and substitute:

> **Council** means the Auckland Council established by section 6(1) of the Local Government (Auckland Council) Act 2009

Section 9(1): omit "on behalf of the Corporation".

Rodney County Council (Mahurangi Harbour) Vesting and Empowering Act 1977 (1977 No 16 (L))

Definition of **Council** in section 2: repeal and substitute:

> **Council** means the Auckland Council established by section 6(1) of the Local Government (Auckland Council) Act 2009

Section 4(3): omit "by the Council".

Section 12: omit "the Council" and substitute "the Rodney County Council".

Tamaki River Reclamation Act 1960 (1960 No 14 (L))

Section 2: omit "Otahuhu Borough Council" and substitute "the Auckland Council established by section 6(1) of the Local Government (Auckland Council) Act 2009".

Section 5: omit "Mayor, Councillors, and Citizens of the Borough of Otahuhu" and substitute "Auckland Council".

Section 6: repeal.

Waitakere Ranges Heritage Area Act 2008 (2008 No 1 (L))

Section 3(2)(e): omit "Auckland Regional Council, Rodney District Council, Waitakere City Council," and substitute "the Auckland Council".

Definitions of **ARC**, **local authority**, and **territorial authority** in section 4(1): repeal.

Section 4(1): insert in its appropriate alphabetical order:

> **Council** means the Auckland Council established by section 6(1) of the Local Government (Auckland Council) Act 2009

Definition of **Waitakere Ranges Regional Park** in section 4(1): omit "ARC" and substitute "the Council".

Waitakere Ranges Heritage Area Act 2008 (2008 No 1 (L))—*continued*

Section 6(1)(c): omit "ARC and the territorial authority are" and substitute "the Council is".

Section 6(3): omit "ARC and the territorial authority" and substitute "the Council".

Section 10: omit "ARC" in each place where it appears and substitute in each case "the Council".

Section 11(1) and (3): omit "a territorial authority" and substitute in each case "the Council".

Section 12(1): omit "A local authority" and substitute "The Council".

Section 12(2) and (3)(b): omit "local authority" and substitute in each case "Council".

Section 13(3): omit "local authority" and substitute "Council".

Section 17: omit "a local authority" and substitute "the Council".

Section 17: omit "the local authority" and substitute "the Council".

Section 18: repeal and substitute:

18 Auckland spatial plan

(1) To the extent of any inconsistency, this Act prevails over the Auckland spatial plan prepared under section 79 of the Local Government (Auckland Council) Act 2009.

(2) When adopting or amending the Auckland spatial plan, the Auckland Council must ensure that its provisions are not inconsistent with the purpose of this Act or the objectives.

Section 19(1): omit "ARC" and substitute "The Council".

Section 19(2) to (4): omit "ARC" in each place where it appears and substitute in each case "the Council".

Section 20: omit "ARC" and substitute "The Council".

Section 21: repeal.

Heading to section 22: omit "**Local authority**" and substitute "**Council**".

Section 22: omit "A local authority" and substitute "The Council".

Section 23(1): omit "local authority concerned" and substitute "Council".

Section 25(1): repeal and substitute:

(1) The Council may prepare and adopt a local area plan for a local area that is within the heritage area.

Section 25(5): omit "territorial authority" and substitute "Council".

Section 26: omit "territorial authority concerned" and substitute "Council".

Section 27(1): omit "a territorial authority" and substitute "the Council".

Section 27(2): omit "territorial authority" and substitute "Council".

Waitakere Ranges Heritage Area Act 2008 (2008 No 1 (L))—*continued*

Section 27(3): omit "a territorial authority" and substitute "the Council".

Section 28(1): omit "A territorial authority" and substitute "The Council".

Section 29(2): omit "a local authority" and substitute "the Council".

Section 29(4)(a)(ii): omit "local authority" and substitute "Council".

Section 29(5)(d): omit "local authority concerned" and substitute "Council".

Section 30(1): omit "local authority concerned" and substitute "Council".

Section 33(1): omit "a local authority" and substitute "the Council".

Section 33(1): omit "the local authority" and substitute "the Council".

Section 33(2): omit "a local authority" in each place where it appears and substitute in each case "the Council".

Heading to section 34: omit "**Local authorities**" and substitute "**Council**".

Section 34(1): omit "authorities must jointly" and substitute "Council must".

Section 34(2): omit "authorities must jointly produce, and each" and substitute "Council must produce, and".

Section 34(3): omit "local authorities" and substitute "Council".

Waitemata City Council (Lincoln Road) Revesting Act 1987 (1987 No 2 (L))

Repeal.

Waitemata City Council (Vehicle-Testing Station) Act 1987 (1987 No 9 (L))

Repeal.

Waitemata City Council (West Harbour) Empowering Act 1979 (1979 No 17 (L))

Long Title: omit "**Waitemata City**" and substitute "**Auckland**".

Definition of **Council** in section 2: repeal and substitute:

> **Council** means the Auckland Council

Definition of **district** in section 2: repeal and substitute:

> **district** means Auckland

Section 6(1)(a): omit "the City of Waitemata" and substitute "Auckland".

Section 16: omit "the district of the Council" in each place where it appears and substitute in each case "Auckland".

Waitemata County Council Empowering Act 1966 (1966 No 21 (L))

Repeal.

Waitemata County Council Empowering Act 1971 (1971 No 7 (L))

Definition of **Corporation** in section 2: repeal and substitute:

Waitemata County Council Empowering Act 1971 (1971 No 7 (L))—*continued*

Corporation means the Auckland Council established by section 6(1) of the Local Government (Auckland Council) Act 2009

Definition of **Council** in section 2: repeal and substitute:

Council means the Auckland Council established by section 6(1) of the Local Government (Auckland Council) Act 2009

Heading to section 5: omit "**Waitemata County**" and substitute "**Auckland**".

Section 5(1): omit "district of the County of Waitemata" and substitute "Auckland".

Section 5(2): omit "County Clerk or other responsible officer of the County Council" and substitute "chief executive or other responsible officer of the Council".

Part 3
Amendments to and revocations of regulations

Airport Authorities (Auckland City Council) Order 2006 (SR 2006/195)

Clause 1: omit "City".

Clause 3: omit "City".

Auckland International Airport By-laws Approval Order 1989 (SR 1989/369)

Clause 57(1) of the Schedule: omit "City of Manukau" and substitute "Auckland Council".

Clause 57(2) of the Schedule: omit "from the Manukau City Council" and substitute "under any fire code that applies to the airport".

Citizenship Regulations 2002 (SR 2002/73)

Clause 7(1)(a): revoke and substitute:

(a) in New Zealand, before—

(i) a District Court Judge; or

(ii) a solicitor of the High Court of New Zealand; or

(iii) a Justice of the Peace; or

(iv) a member of Parliament; or

(v) the mayor or deputy mayor of a territorial authority; or

(vi) the chairperson or deputy chairperson of a regional council; or

(vii) the chairperson of a local board of the Auckland Council; or

(viii) the Secretary:

Local Government (Auckland) Amendment Act Order 2007 (SR 2007/293)

Revoke.

Local Government (Watercare Services Limited) Order 2007 (SR 2007/120)

Revoke.

Railway Operator (Auckland Regional Transport Authority) Order 2006 (SR 2006/176)

Revoke.

Sentencing (Orders of Reparation) Order 2006 (SR 2006/263)

Schedule: omit the item relating to the Auckland Metropolitan Drainage Act 1960.

Notes

1 General

This is a consolidation of the Local Government (Auckland Transitional Provisions) Act 2010 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

Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68): section 6

Natural and Built Environment Act 2023 (2023 No 46): section 805(1)

Secondary Legislation Act 2021 (2021 No 7): section 3

District Court Act 2016 (2016 No 49): section 261

Te Ture mō Te Reo Māori 2016/Māori Language Act 2016 (2016 No 17): section 50

Local Government (Auckland Transitional Provisions) Amendment Act 2015 (2015 No 114)

Local Government (Auckland Transitional Provisions) Amendment Act 2013 (2013 No 64)

Land Transport Management Amendment Act 2013 (2013 No 35): section 72

Local Government (Auckland Transitional Provisions) Amendment Act 2012 (2012 No 109)

Local Government Act 2002 Amendment Act 2012 (2012 No 93): section 43

Criminal Procedure Act 2011 (2011 No 81): section 413

Taxation (GST and Remedial Matters) Act 2010 (2010 No 130): section 186

Local Government Act 2002 Amendment Act 2010 (2010 No 124): section 50

Local Government (Tamaki Makaurau Reorganisation) Terminating Organisations Order 2010 (SR 2010/359)

Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37): sections 5(2), (7), 27(4), 96(6)

Local Government (Tamaki Makaurau Reorganisation) Act 2009 (2009 No 13): section 43(2)

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