

**Reprint  
as at 1 November 2013**



**Local Government (Auckland  
Transitional Provisions)  
Delegations, Development  
Contributions, and Trade Wastes  
Regulations 2010**

(SR 2010/371)

Local Government (Auckland Transitional Provisions) Delegations,  
Development Contributions, and Trade Wastes Regulations 2010: revoked, on  
1 November 2013, by regulation 3(3).

Anand Satyanand, Governor-General

**Order in Council**

At Wellington this 18th day of October 2010

Present:

His Excellency the Governor-General in Council

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**Note**

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this reprint.

Note 4 at the end of this reprint provides a list of the amendments incorporated.

**These regulations are administered by the Department of Internal Affairs.**

Pursuant to section 5(1) of the Local Government (Auckland Transitional Provisions) Act 2010, His Excellency the Governor-General makes the following regulations acting—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister of Local Government.

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### Regulations

- 1 Title**  
These regulations are the Local Government (Auckland Transitional Provisions) Delegations, Development Contributions, and Trade Wastes Regulations 2010.
- 2 Commencement**  
These regulations come into force on 1 November 2010.

### **3 Expiry**

- (1) Regulation 6 expires on the close of 30 June 2012.
- (2) The rest of these regulations continue in force until the close of 31 October 2013, and then expire.
- (3) On the close of 31 October 2013, these regulations are revoked.

### *Delegations*

#### **4 Delegations by local boards**

- (1) For the purposes of efficiency and effectiveness in the conduct of a local board's business, a local board may delegate to a committee or member of the local board or an officer of the Auckland Council any of its responsibilities, duties, and powers except—
  - (a) the duty to identify and communicate the interests and preferences of the people in its local board area in relation to the content of the strategies, policies, plans, and bylaws of the Auckland Council; or
  - (b) the power to propose a bylaw or an amendment to a bylaw; or
  - (c) the power to confirm a bylaw or modify a proposed bylaw; or
  - (d) the power to propose the revocation of a bylaw; or
  - (e) the duty to adopt the local board plan for its area; or
  - (f) the duty to agree the local board agreement for its area with the governing body of the Auckland Council; or
  - (g) the power to apply to the Local Government Commission for a binding determination in respect of a dispute between itself and the governing body; or
  - (h) a responsibility, power, or duty that the Local Government (Auckland Council) Act 2009 or any Act expressly provides may not be delegated.
- (2) However, nothing in subclause (1) restricts the power of a local board to delegate to a committee or member of the local board or an officer of the Auckland Council the power to do anything precedent to the performance or exercise by the local board of a duty or power specified in that subclause (after consulting the committee or member or officer).

- (3) A committee or member of the local board or an officer of the Auckland Council may delegate a responsibility, duty, or power delegated to it, him, or her under this regulation to a subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by the original delegation from the local board.
- (4) A committee, subcommittee, or person to which or to whom a responsibility, duty, or power is delegated may, without confirmation by the local board, committee, subcommittee, or individual that made the delegation, perform or exercise the responsibility, duty, or power in the same way and with the same effect as the local board could have performed or exercised it.
- (5) To avoid doubt, no delegation relieves the local board of the liability or legal responsibility to perform or ensure the performance of any responsibility or duty.
- (6) In this regulation, **local board**, **local board agreement**, and **local board area** have the same meanings as in section 4(1) of the Local Government (Auckland Council) Act 2009.

**5 Onward delegations by local boards of governing body or Auckland Transport matters**

- (1) Section 31 of the Local Government (Auckland Council) Act 2009 (and not regulation 4 of these regulations) applies to any onward delegation powers a local board may have under subsection (4) of that section.
- (2) Section 54 of the Local Government (Auckland Council) Act 2009 (and not regulation 4 of these regulations) applies to any onward delegation powers a local board may have under subsection (4) of that section.
- (3) This regulation is for the avoidance of doubt.

*Development contributions*

**6 Modification of section 199 of the Local Government Act 2002**

*[Expired]*

Regulation 6: expired, on 1 July 2012, by regulation 3(1).

**7 Development contribution to be transferred to council-controlled organisation**

(1) In this regulation,—

**council-controlled organisation** means—

- (a) Auckland Waterfront Development Agency Limited; or
- (b) Regional Facilities Auckland Limited (in its capacity as trustee of Regional Facilities Auckland)

**development contribution** means a development contribution or any part of a development contribution—

- (a) paid or made to the Auckland Council on or after 1 November 2010 under a policy described in section 46 of the Local Government (Auckland Transitional Provisions) Act 2010; or
- (b) referred to in section 53(2) of that Act.

(2) If a council-controlled organisation undertakes the capital expenditure for which a development contribution was required, the Auckland Council must transfer the contribution to the council-controlled organisation for the purposes of funding the expenditure.

(3) Subpart 5 of Part 8 of the Local Government Act 2002 otherwise applies to a development contribution to which this regulation applies.

**8 Relationship of section 53 of Local Government (Auckland Transitional Provisions) Act 2010 with regulation 7**

Section 53 of the Local Government (Auckland Transitional Provisions) Act 2010 applies to development contributions to which regulation 7 applies subject to that regulation.

*Administration and enforcement of Auckland  
Regional Council Trade Waste Bylaw 1991*

**9 Modification of section 25 of Local Government (Auckland Transitional Provisions) Act 2010**

Section 25 of the Local Government (Auckland Transitional Provisions) Act 2010 must be read as if the following subsection were inserted after subsection (4):

**Local Government (Auckland Transitional  
Provisions) Delegations, Development  
Contributions, and Trade Wastes  
Regulations 2010**

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“(4A) However, nothing in subsection (4) authorises or requires Waterncare Services Limited to set a charge under clause 20 or 21 of the Auckland Regional Council Trade Waste Bylaw 1991 to recover any costs related to the reception of trade wastes if those costs relate to a wastewater service transferred to Waterncare Services Limited by or under the Local Government (Tamaki Makaurau Reorganisation) Act 2009.”

Rebecca Kitteridge,  
Clerk of the Executive Council.

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Issued under the authority of the Acts and Regulations Publication Act 1989.  
Date of notification in *Gazette*: 21 October 2010.

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## Reprints notes

### **1** *General*

This is a reprint of the Local Government (Auckland Transitional Provisions) Delegations, Development Contributions, and Trade Wastes Regulations 2010 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

### **2** *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, will have the status of an official version once issued by the Chief Parliamentary Counsel under section 17(1) of that Act.

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

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

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

Local Government (Auckland Transitional Provisions) Delegations, Development Contributions, and Trade Wastes Regulations 2010 (SR 2010/371): regulation 3

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