

Local Government (Auckland Law Reform) Bill

Overview of the 3rd Bill

- Completes legislative framework for ongoing local govt arrangements in Auckland.
- Amendments to Local Government (Tamaki Makaurau Reorganisation) Act 2009
- Amendments to Local Government (Auckland Council) Act 2009

3rd Bill

- enables establishment of various new local govt arrangements in Auckland
- facilitate smooth transition of staff & assets to new structures
- Prepare for local elections in Auckland
- Provide clarity regarding planning & reporting arrangements for period up to 1st Nov 2010

3rd Bill provides substantive detail for Auckland Council on:

- Relationship between Councils governing body and local boards
- Management of transport & water supply & wastewater services
- Provision for development of spatial plan for Auckland
- Arrangements for a Board to promote issues of significance for Mana Whenua & Maori for Tamaki Makaurau
- Arrangements for governance of CCO's, development contributions & representation reviews

3rd Bill also provides:

- Transitional planning, funding & rating arrangements for Auckland Council until July 2012
- Consequential amendments to other legislation

3rd Bill

- Imposes requirements on transition authority to:
- Make arrangements for waste management & minimisation
- Establish Waterfront Development Agency as a CCO, responsible for development of Auckland waterfront
- Make arrangements for initial operation of 'Auckland Transport' & establishes it as separate entity from Auckland Council
- Enable single integrated rating policy
- Detail of planning document Transition Authority required to prepare

3rd Bill

- Functions duties & powers of Auckland water organisations
- Requires preparation of a spatial plan

3rd Bill

- Sets out how Auckland local authorities and organisations are to operate during reorganisation period
- Transfer & termination of employment for employees of CCO's
- Development contributions made or owing at time of local authority dissolution

Other transitional matters

- Governance & framework of Auckland Council for 2013 elections (prohibition on reorganisation of Auckland until after 2013 elections & use of FPP for election)
- Moratorium on sale of certain Auckland Council property
- CCO's - Watercare Services Ltd & Auckland International Airport Ltd
- Bylaws
- Regulatory matters relating to building, civil defence, fire authority, resource management & other planning matters
- Est of Pacific & Ethnic Advisory Panels for Auckland

Bill is silent on:

- Functions of Local Boards
- Board selection for Watercare Ltd

Contentious aspects

- Part 1
- Clause 35H & 35I – Minister may appoint initial directors of certain CCO's & Auckland Transport (only 2 apt by AC)
- Part 2
- Clause 35(5) *a person is a ratepayer elector for a local board area if the person is registered as a parliamentary elector outside the local board area and –*
 - *(a) the person is identified in the Council's valuation roll as the sole ratepayer in respect of a rating unit within the local board area; or*
 - *(b) is nominated to be enrolled as a ratepayer elector in respect of a rating unit ..owned by one or more ratepayers none of whom is qualified as a residential elector in the local board area*
- Clause 45 board for Auckland transport 6 -8 directors of whom 2 may be elected members of the Auckland Council
- Part 3
- Clause 73(2) *the Auckland Council may decide, at its discretion how it will provide water and wastewater services in Auckland on and from 1 July 2015*