

LG Auckland Law Reform Bill

Representation, planning, rating and
resource management

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An outline

- Representation
 - Mayoral election expenses; First-past-the-Post
 - Maori representation; Pacific and ethnic participation
- Planning and funding
 - Interim planning, interim rating and valuation
 - Development contributions; fees and charges
- Resource management
 - Spatial planning; Bylaws and policies; resource management

Mayoral election expenses

- The electoral expense limit will be increased for constituencies exceeding one million in total population (not just registered voters).
- The limit is now \$70,000 for a population over 250,000. It will be increased to \$100,000, plus 50 cents for each registered voter for constituencies exceeding one million.
- There are now about 960,000 registered Auckland voters, so Mayoral candidates will be able to spend about \$580,000.

First-past-the-Post

- First Past the Post will be used in 2013 for the election of mayor, councillors and local board members in Auckland, as in 2010

Maori representation and participation

- The role of mana whenua and taura here is set out in the bill, with the establishment of an independent statutory board.
- The statutory board is to promote social, economic, environmental, and cultural issues of significance for the mana whenua and taura here of Auckland to assist the Auckland Council in its decision making.
- The purposes and functions of the board link back to the Council's responsibilities under ss 4, 14, 77, 81 and 82 of the LGA2002

Maori representation and participation

- Up to 9 members - 7 will be mandated from recognised mana whenua groups and 2 taura here representatives appointed by mana whenua Board representatives.
- The statutory board must appoint 2 persons to sit on Auckland Council Committee(s) that deal with the management and stewardship of natural and physical resources.
- The Minister of Maori Affairs will have responsibility for ensuring that the representatives of mana whenua groups have been formally mandated.

Pacific and ethnic participation

- A Pacific advisory panel and an Ethnic advisory panel will be established by legislation, for the first term of the Auckland Council.
- After the first term, the Council may determine its own arrangements to facilitate Pacific and ethnic peoples' participation in Council decision-making processes.

Interim planning

- There will be interim planning and reporting through to the end of June 2012.
- On 1 July 2012 there will be one long-term plan for all Auckland. The Auckland Transition Agency is preparing an annual plan for the eight months after the Auckland Council comes into being. ATA is also preparing a combined LTCCP based on existing councils' LTCCPs.
- There will be a standard planning and reporting regime for the Auckland Council from 1 July 2012.

Interim rating and valuation

- On 1 July 2012 there will be a single rating system across Auckland. There will be interim rating through to 2012. The Auckland Council will collect rates in 2010/11 on the basis set by existing councils. Funds from water supply and wastewater rates will be transferred to Watercare.
- An Auckland valuation roll as at 1 September 2011 is to be prepared, in order to implement a single integrated Auckland Council rating policy from 1 July 2012.
- The valuation system for the initial valuation roll will be capital value.

Interim rating and valuation

- The interim rating system appears to be designed to protect ratepayers, particularly those on low and fixed incomes, and small businesses, from any sudden and significant increases in rates. The Bill allows the Auckland Council to spread the impact of significant changes in rates (both increases and decreases).

Interim rating and valuation

- The Auckland Council will assess 2011/12 rates for each property as a uniform percentage variation from the 2010/11 rates, less any 2010/11 water and wastewater rates assessed.
- Existing council rates remission and postponement policies will remain in force, within the former districts, until 30 June 2012 unless they are changed sooner by the Auckland Council.
- A targeted rate proposal from a local board for 2011/12 can be declined where it would be impractical or unreasonably expensive to implement.

Development contributions

- The Bill clarifies the use and refund of development contributions required or collected under existing policies, and the process for water and wastewater.
- Development contributions for transport network purposes will be set, assessed, and collected by the Auckland Council, and passed to the Regional Transport Authority.
- The Auckland Council will collect development contributions under each existing council's development contributions policy, subject to existing reimbursement requirements.

Fees and charges

- The Bill will preserve non-regulatory fees and charges set by existing councils until they are changed by the Auckland Council or a local board.

Spatial planning

- The Auckland Council must prepare and adopt a spatial plan for Auckland. The purpose of the SP is to provide an “effective and broad long-term strategy for growth and development”
- Preparation to involve community and private sector participation and use the special consultative procedure
- The regional growth strategy remains in effect until the SP is adopted

Spatial planning

- The functions of the SP are to: set a 20-30 year strategic direction; state policies and land allocations; specify resources; set out Auckland's role in NZ; visually illustrate development and sequencing of infrastructure; provide an evidential base; set out a development strategy; identify critical infrastructure services and investment; identify the location of residential, business and industrial activities; identify significant ecological areas; align with and direct funding plans of Auckland Council; integrate and act as a coordination mechanism.

Bylaws and policies

- Bylaws in existence at the abolition of the existing councils will be transferred to the Auckland Council, for review within 5 years.
- Transport-specific bylaws will transfer to Auckland Transport.
- Policies of the existing Auckland councils become the policies of the Auckland Council and remain in effect for a maximum of 5 years in each existing local authority area, until the Auckland Council establishes new policies.

Resource management

- Regional plans, district plans, and any regional policy statement of the existing Auckland councils that are operative (or proposed) before 1 November are deemed to be operative (or proposed plans) of the Auckland Council and remain operative (or proposed) until a district plan, regional plan or regional policy statement made by the Auckland Council becomes operative.
- The first monitoring (State of the Environment) report required under s 35(2A) is due 1 November 2015

Resource management

- Designations included in district plans that have not lapsed continue until the Auckland Council decides to include a requirement for them in its proposed plan under clause 4, Schedule 1 or until 1 November 2015
- Any matter under the RMA relating to the south area of Franklin transfers to the Waikato District Council.
- Any plan change (including a private plan change request) or variation transfers to the Auckland Council or the Waikato District Council.

Resource management

- The delegation of functions, etc, by local authorities under s 34 of the RMA has not been amended to provide for local boards or Maori Board, and unless it is, they cannot undertake any delegated RMA functions

Conclusions

- Significant representation changes underway that could apply to local government elsewhere in New Zealand
- Spatial planning may also come to be applied across the local government sector