

Report 14.396
Date 5 August 2014
File E/12/01/04

Committee Council
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Impact of the Local Government Act 2002 Amendment Act (No 3) 2014 on powers retained by Council

1. Purpose

To inform the Council of changes to the Local Government Act 2002 (LGA) and the impact these changes have on powers retained by Council.

2. Background

The Local Government Act 2002 Amendment Act (No 3) 2014 (the Amendment Act) came into effect on 8 August 2014. The Amendment Act made a number of changes to the Local Government Act 2002 (LGA), providing for:

- greater collaboration and shared services between local authorities
- greater flexibility around consultation requirements
- a new requirement for reviewing council services
- a new significance and engagement policy
- more efficient and focused consultation on long-term plans and annual plans
- the removal of unnecessary duplication between long-term plans and annual plans
- a new requirement for councils to disclose information about their rating bases in long-term plans, annual plans and annual reports
- a new requirement for the disclosure of risk management arrangements for physical assets in annual reports
- new requirements for infrastructure strategies and asset management planning; and
- participation in council meetings via audio or audiovisual link.

The Amendment Act also includes provisions relating to development contributions and local boards that do not directly apply to Greater Wellington

Regional Council. More detail on all of the changes was provided to Councillors at a workshop on 3 December 2013.

The Amendment Act has an impact on the powers currently retained by Council under the LGA. Some powers currently retained by Council have been amended or repealed and new powers, which Council may wish to retain, have been inserted.

3. Review of powers retained by Council

Officers have undertaken a review of Greater Wellington Regional Council's Delegations Register in consideration of the recent amendments to the LGA. The powers currently retained by Council under the LGA that are impacted by the Amendment Act, and the new powers introduced by it, are listed in **Attachment 1**.

Key changes to the powers currently retained by Council and new powers introduced by the Amendment Act are set out below.

3.1 Changes to existing powers retained by Council

The following amendments have been made to powers currently retained by Council:

- additional requirements have been inserted for what is to be included in a triennial agreement
- changes have been made to when a regional council can accept the transfer of a power from a territorial authority in accordance with section 17(2); how a local authority can establish, or become a shareholder in, a council controlled organisation; and what a local authority must do when adopting funding and financial policies, to take into account new consultation provisions (no longer required to use the special consultative procedure)
- changes have been made to what a local authority must do when it is required to use the special consultative procedure (in addition to the removal of the requirement to use the special consultative procedure for a number of processes)
- powers previously retained by Council relating to determining the form to be taken by a summary of information contained in a statement of proposal, and the manner in which the summary must be distributed, have been repealed. These are now specifically provided for by the LGA; and
- the power to adopt a policy on significance, which was previously retained by Council, has been repealed. The policy on significance is no longer required as it has been replaced with a Significance and Engagement Policy.

There have also been a number of minor technical amendments to powers currently retained by Council. Details of these are included in Attachment 1.

3.2 New powers introduced in the Amendment Act

In addition to the above changes to powers previously retained by Council, there are a number of new powers introduced by the Amendment Act.

These are:

- a new provision for what a local authority must do when making a decision that is inconsistent with, or will have consequences that will be inconsistent with, the adopted triennial agreement
- new provisions for what a local authority must and may do when transferring responsibilities under section 17
- new provisions for a local authority to review the cost effectiveness of its current arrangements for meeting the needs of the communities within its district or region for good-quality local infrastructure, local public services, and performance of regulatory functions, and how and when this must be done
- new provisions for a local authority to adopt a significance and engagement policy, how this must be done, what it must set out, and when and how it can be amended
- a new provision setting out what information Council must make publicly available if it is required to consult in accordance with section 82
- a new provision to adopt a consultation document for an annual plan that complies with section 95A
- a new provision for a local authority to allow a person to present his or her views to the local authority by way of audio or audiovisual link
- new provisions for a local authority to permit a member to attend a meeting by way of an audio link or audiovisual link (this must be provided for in the local authority's standing orders)
- new provisions for a local authority to prepare and adopt certain information before adopting a consultation document under section 93A
- a new provision for combined or concurrent consultation on a long-term plan and annual plan, to take into account new consultation provisions
- a new requirement to prepare and adopt an infrastructure strategy in the long-term plan that plans for at least 30 years of asset management; and
- new provisions relating to joint committees.

It is recommended that all of the new powers detailed in Attachment 1, be retained by Council.

3.3 Delegations to officers

There are no officer delegations which require amendment due to the LGA changes.

4. Communication

No external communication is required. Officers will amend Greater Wellington Regional Council's Delegations Register in accordance with Council's decision.

5. The decision-making process and significance

The matters requiring decision in this report have been considered by officers against the requirements of Part 6 of the Local Government Act 2002.

5.1 Significance of the decision

Officers have considered the significance of the matter, taking into account the Council's significance policy and decision-making guidelines. Due to the procedural nature of this decision officers recommend that the matter be considered to have low significance.

Officers do not consider that a formal record outlining consideration of the decision-making process is required in this instance.

6. Recommendations

That the Council:

1. **Receives the report.**
2. **Notes the content of the report.**
3. **Notes that powers previously retained in relation to:**
 - a. *determining the form to be taken by a summary of information contained in a statement of proposal (s89(b))*
 - b. *determining the manner in which a summary of information contained in a statement of proposal is to be distributed (s89(c)); and*
 - c. *adopting a policy on significance (s90(1))*

have been repealed by the Local Government Act 2002 Amendment Act (No 3) 2014.
4. **Notes the changes to powers currently retained by Council as a result of the Local Government Act 2002 Amendment Act (No 3) 2014 as set out in Attachment 1.**
5. **Agrees to retain the new and amended powers provided for in the Local Government Act 2002 as set out in Attachment 1.**

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Attachment: Powers retained by Council that are impacted by the Local Government Act 2002 Amendment Act (No.3) 2014