

Local Government Act 2002

1. INTRODUCTION	1
Overview	1
A word on ultra vires	1
Commencement	2
Purpose	2
Treaty of Waitangi	2
Interpretation	3
Act binds the Crown in certain cases only	4
2. PURPOSE, ROLE AND POWERS OF LOCAL AUTHORITIES	5
Purpose of local government	5
Role of local authorities	5
Status and powers	5
Principles relating to local authorities	6
Co-ordination of local authority responsibilities	7
Governmental oversight	7
3. PLANNING, DECISION-MAKING AND ACCOUNTABILITY	9
Introduction	9
Decision-making	10
Consultation	11
<i>Special consultative procedure</i>	12
<i>Significance policy</i>	13
Community outcomes	13
Long-term council community plan	14
<i>Annual plan</i>	16
<i>Effect of long-term council community plan and annual plan</i>	16
<i>Reporting</i>	17
Development contributions policy	17
<i>Introduction</i>	17
<i>Adoption of a development contributions policy</i>	17
<i>Definitions</i>	18
<i>Contents development contributions policy</i>	18
<i>Ability to require development contributions</i>	20
<i>Limits on requirement for development contributions and amount of development contribution</i>	20
<i>Use of development contributions</i>	21
<i>Recovery and refund of development contributions</i>	22
4. COUNCIL ORGANISATIONS	23
Introduction	23
Part 5 – Local Government Act 2002	23

<i>Definitions</i>	23
Entities that are not council-controlled organisations	24
Exempted organisations	24
Requirements on council and council-controlled organisations	25
Requirements on council-controlled organisations	25
Council-controlled trading organisations	27
Divestment of a council-controlled organisation	27
<i>Strategic assets</i>	27
5. WATER SERVICES	29
Assessments of water and sanitary services	29
Obligations and restrictions relating to the provision of water services	30
Operational matters	31
6. PROPERTY-RELATED MATTERS	33
Introduction	33
Section 12 – Local Government Act 2002	33
Special requirements	33
<i>Strategic assets</i>	34
<i>Significant decisions concerning land or water</i>	34
<i>Restrictions on disposal of parks</i>	34
Protection of regional parks and reserves	35
Endowment properties	36
General provisions	37
Public Bodies Leases Act 1969	37
Sale of commercial or industrial land	37
7. REGULATORY AND ENFORCEMENT MATTERS	39
Introduction	39
Bylaws	39
Liquor bylaws	39
Fees	40
Crown bound by bylaws	40
Making, reviewing and transferring of bylaws	41
<i>Making of bylaws</i>	41
<i>Amendment of bylaws</i>	42
<i>Reviewing bylaws</i>	42
<i>Transferring bylaws</i>	42
Enforcement powers	42
Powers of entry and warrants	43
Contracting out of enforcement matters	44
Miscellaneous	44
Penalties	44
8. GOVERNANCE ISSUES	47

Introduction	47
Governance principles and statement	47
General matters	48
Community boards	49
Schedule 7 – procedural matters	50
<i>Code of conduct</i>	50
<i>Meetings</i>	51
<i>Casting vote</i>	51
<i>Delegations</i>	51
Local Electoral Amendment Act 2002	52
9. TRANSITIONAL PROVISIONS, CONSEQUENTIAL AMENDMENTS, REPEALS, AND SAVINGS	55
Consequential amendments	55
Repeals	56
Transitional provisions	56
Savings	58