



Entered by Board Secretary

Board Meeting| 28 October 2025

Agenda item no. 16

Open Session

AGENDA ITEM 16 BOARD NOTING PAPER	
To:	The Board
From:	Kirstine Jones, Executive Officer
Reviewed:	Scott Campbell, Director Strategy & Governance Dean Kimpton, Chief Executive
Date:	21 October 2025
Title:	Council Controlled Organisation Reform Transition Update

Aronga / Purpose

1. To provide an update on progress of the Council Controlled Organisation (CCO) Reform Transition Programme including Auckland Transport's (AT) involvement in the transport reform workstream.

Te whakarāpopototanga matua / Executive summary

2. The government introduced the Local Government (Auckland Council) (Transport Governance) Amendment Bill on 5 September 2025.
3. AT provided advice to Auckland Council (council) for their submission to the Bill which was approved by Governing Body delegates on 9 October 2025. AT's advice was presented as an appendix to the submission, with most of the advice being included in the substance of the submission.
4. Governing Body approved the adoption of interim operating rules for AT, and we are operationalising these rules in collaboration with council staff.
5. The joint transition programme team has established a programme of work with relevant resources to develop risk, reporting, programme information, decision making processes, and joint communications and engagement plans.

Te horopaki / Background

6. The government introduced the Local Government (Auckland Council) (Transport Governance) Amendment Bill on 5 September 2025. The Bill had its first reading on 16 September and was referred to the Transport and Infrastructure Select Committee. Submissions close on 9 November 2025.
7. The Bill proposes:
 - a. council will be the Road Controlling Authority for Auckland, and most transport responsibilities will be transferred to council
 - b. a transport CCO with a focus on providing public transport services
 - c. establishment of a new Auckland Regional Transport Committee (ARTC) with members appointed by the Mayor and the Minister of Transport, with a jointly appointed independent chair
 - d. the ARTC is responsible for preparing a 30-year transport plan for approval by council and the Minister of Transport, with legal weight
 - e. the ARTC is responsible for preparing the Regional Land Transport Plan (RLTP) for council's approval
 - f. council is responsible for all other regional transport plans and policies.

Me mōhio koe / What you need to know

8. On 25 September 2025, the Governing Body agreed council's emerging positions on the submission to the Bill, delegated the authority to approve the council's submission to the Mayor; Deputy Mayor; the Chair and Deputy Chair of the Transport, Infrastructure and Resilience Committee; and a member of Houkura / Independent Māori Statutory Board. These delegates approved the submission on 9 October 2025.
9. Governing Body requested consideration be given to the AT Board (board) position paper on the submission. Much of AT's input has been included in the substance of the submission. Some input was considered by council to be out



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of scope, and some was considered but not included. AT's input and council's response appear as appendix four in council's Bill submission (attachment 1).

10. The Governing Body also approved the adoption of interim operating rules for AT, to provide stability and clear expectations during the pre-transition phase. These are framed as good-practice guardrails: allowing day-to-day decision-making to continue while requiring consultation on material matters that could affect the transition or future responsibilities.
11. The operating rules are:
 - a. Keep services running.
 - b. Check in before material decisions.
 - c. Share information and expertise.
 - d. Work together on strategies and policies.
 - e. Speak with one voice.
 - f. Consider governance settings.
12. We are implementing these operating rules through additional guidance provided by the Auckland Council Chief Executive, working collaboratively with council staff, noting there is no change to existing delegations and governance processes.
13. We have established an escalation process to check in before material decisions to ensure we remain on track to deliver our commitments.
14. A joint council/AT transition team, led by council, is working to respond to the Bill and to plan for its implementation. The Auckland Council Chief Executive is the overall sponsor of transport reform supported by a sponsors group made up of the AT Chief Executive and three council executives.
15. The three key milestones for the programme are:
 - a. Royal Assent, anticipated in February/March 2026 but subject to change based on parliamentary process

- b. the finalisation of a proposed organisation design and structural change proposal in approximately April/May 2026 for consultation with kaimahi
- c. the end of the proposed six month legislated 'transition period' immediately following royal assent. This could be approximately September 2026 if the bill becomes law in March 2026.

16. The joint programme team are working to develop functional options based on the Bill and, regarding design of the transport CCO, will consider the position of the AT board as noted in correspondence to the Mayor and the Chief Executive Auckland Council on 26 September (attachment 2).

Ā muri ake nei / Next steps

17. The joint transition team continues to develop risk, reporting, programme information, decision making processes and ensure sufficient resourcing to ensure the programme has what it needs to achieve goals and stay on track.
18. Our focus in the near term is supporting the development of functional design and a well-designed operating model for the transport CCO and for transport functions transferring to council. The new Governing Body will need to determine where functions will sit, in November/December 2025 to enable the council to meet current transition timeframes.
19. We continue to provide timely, relevant updates to our staff, working with council staff on joint communications to ensure aligned messaging across both organisations.






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Te whakapiringa / Attachment

Attachment #	Description
1	Auckland Council Group's submission on the Local Government (Auckland Council) (Transport Governance) Amendment Bill [Available through resource Centre]
2	Letter Mayor Brown – PT service entity design [Available through resource Centre]

Te pou whenua tuhinga / Document ownership

Submitted by	Recommended by	Approved for submission
Kirstine Jones Executive Officer	Scott Campbell Director, Strategy & Governance	Dean Kimpton Chief Executive
		

10 October 2025

Committee Secretariat
Transport and Infrastructure Committee
Parliament Buildings
Wellington

Auckland Council Group's submission on the Local Government (Auckland Council) (Transport Governance) Amendment Bill

Thank you for providing Auckland Council with the opportunity to submit on the Local Government (Auckland Council) (Transport Governance) Amendment Bill, which we received on 5 September 2025. The Auckland Council submission is attached. Auckland Council looks forward to working with the government and officials on refining the proposed amendments and better understanding how these might work in practice. Whilst this is a great opportunity for Auckland, we would like serious consideration by the committee to the risks of the proposed allocation of decision-making to local boards as identified in our attached submission.

This submission was prepared by council staff and approved by the below delegated group of Auckland Council's Governing Body. We would like to present orally on this submission.

Please contact Max Hardy, Director of Group Strategy and Chief Executive Office at max.hardy@aucklandcouncil.govt.nz or Megan Tyler, Director of Policy, Planning and Governance at megan.tyler@aucklandcouncil.govt.nz, if you have any queries regarding Auckland Council's submission.

Ngā mihi,



Wayne Brown
Mayor of Auckland



Desley Simpson
Deputy Mayor of Auckland



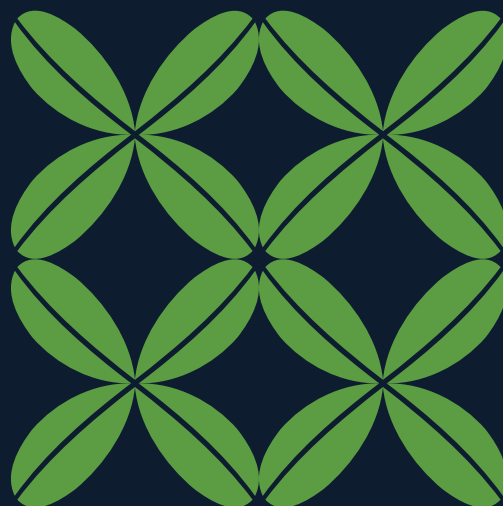
Councillor Andy Baker
Chair of the Transport, Resilience and Infrastructure Committee



Councillor Christine Fletcher
Deputy Chair of the Transport, Resilience and Infrastructure Committee



Member Billy Brown
Hokura – Independent Māori Statutory Board



Auckland Council:

**Submission to the
Local Government
(Auckland
Council)
(Transport
Governance)
Amendment Bill**



10 October 2025

Transport and Infrastructure
Committee



Mihimihi

Ka mihi ake ai ki ngā maunga here kōrero,
ki ngā pari whakarongo tai,
ki ngā awa tuku kiri o ōna manawhenua,
ōna mana ā-iwi taketake mai, tauiwi atu.
Tāmaki – makau a te rau, murau a te tini,
wenerau a te mano.
Kāhore tō rite i te ao.

*I greet the mountains, repository of all that
has been said of this place,
there I greet the cliffs that have heard the ebb
and flow of the tides of time,
and the rivers that cleansed the forebears of
all who came those born of this land
and the newcomers among us all.
Auckland – beloved of hundreds, famed
among the multitude, envy of thousands.
You are unique in the world.*

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Executive Summary

Our submission

1. Auckland Council thanks the Government and Parliament for progressing this Bill. The Bill directly responds to Auckland Council's longstanding request for reforms that strengthen democratic accountability for local transport and align long-term planning between the Government and Council. We welcome this partnership approach and support the Bill's intent and the opportunity it creates to deliver clearer roles, a single 30-year transport plan, and better, more reliable transport for Aucklanders.
2. The council submission provides Auckland Council's position on key elements proposed in the Bill including areas requesting specific and important changes to protect the intent of the Bill, and a more detailed clause by clause position.
3. Appended to the submission are resolutions relating to the Bill from Auckland Council's 21 local boards, feedback from Houkura/Independent Māori Statutory Board and feedback from Auckland Transport. To seek the best outcomes for Aucklanders from this reform and to optimise the investment both the government and the council are making, the council requests that the select committee appoint Auckland Council as an adviser to the select committee under clause 215 of Chapter 4 of Parliamentary Standing Orders (which provides that a select committee "*may seek the assistance of persons as advisers to the committee during its consideration of a matter*").
4. In addition, it is critical that the council is enabled to work alongside the Ministry of Transport throughout the process. There are elements of the Bill that require significant work to be completed by Auckland Council (e.g. the Auckland Rooding Classification Framework and bylaws) which may require the council to submit further requests for technical clarifications and technical amendments to the legislation.
5. While this Bill provides a great opportunity for Auckland, there are key areas of risk for Auckland Council. These are firstly, the risk of the proposed allocation of decision making to local boards, (including the application of the Auckland Rooding Classification Framework) and secondly, aspects of the Bill relating to employment.
6. Looking ahead, the council considers that there is a clear opportunity for a broader review of the legislative framework governing transport, to ensure alignment between the various Acts.

Summary of Key Submission Points

7. Council has grouped its key submission feedback into four areas; Governance and Planning, Transport CCO provisions, Allocation of Auckland Council's Transport Responsibilities and Transition.

Governance and Planning

8. Auckland Council strongly supports the overall direction of the Bill including:
 - a. The establishment of the Auckland Regional Transport Committee (ARTC) with equal representation from Auckland Council's Governing Body and Ministerial appointees and a chair jointly appointed by the Mayor and Minister of Transport
 - b. A 30-year transport plan jointly approved by Auckland Council and Minister of Transport
 - c. The transfer of transport responsibilities to Auckland Council, including approval of the Auckland Regional Transport Plan, other policy and strategy functions and Road Controlling Authority functions
 - d. A transport council-controlled organisation (CCO) with a narrow focus.

Transport CCO provisions

9. Auckland Council supports a more narrowly focused transport CCO.
10. Auckland Council's position is that it should be able to determine the delivery model for public transport. This means it does not support the continuation of a statutory CCO. As public transport is a function of local government, Auckland Council should determine the appropriate delivery model for local public transport services as all other local authorities are able to. The Bill should expressly provide for the council to determine what functions should sit with the transport CCO in order to deliver 'public transport services' as defined in the Bill.
11. The council supports the provision that it may delegate any of its responsibilities, duties, functions and powers to the transport CCO, however it does not support the requirement for approval of these delegations by the Minister of Transport. Requiring ministerial approval of these delegations would (in council's view) encroach on the Minister's valuable time.

Allocation of Auckland Council's Transport Responsibilities

12. Council supports the intent that local boards have a greater role in transport decision-making, however it does not support that the Bill prescribes the allocation of certain responsibilities to local boards.
13. To protect the Bill's intent and ensure that the division in decision-making responsibility between the Governing Body and local boards works in practice, the allocation provisions in the Bill, both in relation to the powers specified in Schedule 4 and the division of responsibility for the making of resolutions under a bylaw made under the Land Transport Act 1998 (LTA), should be removed. This would leave the allocation of transport-related decision-making to be determined in accordance with the existing statutory framework in sections 14-17 of the Local Government Auckland Council Act (LGACA). The Bill could instead amend the existing statutory framework to provide for the Governing Body to allocate transport-related regulatory decisions in the same way as it currently does for non-regulatory activities.
14. Council also recommends that the requirement be removed for all 21 local boards to agree to the content of a bylaw. Council is already required to, and does, take local board input into account before adopting any bylaw.
15. Council does not support the inclusion of an Auckland Roding Classification Framework in the Bill. This area is complex and requires significant work by council to determine the best way to categorise roads in a way that would support decision-making across Auckland's network. Council is able to work with the Ministry of Transport on this.

Transition

16. Auckland Council supports the inclusion of transitional provisions in the Bill and supports the transitional period as being six months after the commencement date.
17. Auckland Council supports the establishment of an interim governing body of the transport CCO for the duration of the transitional period.
18. Auckland Council supports the transport CCO continuing to perform and exercise certain functions and powers as if the principal Act had not been amended by the Bill.
19. Auckland Council considers that additional provisions are needed to ensure an efficient and effective transition. In particular, the Bill should provide a statutory basis (such as an Order In Council-making

power under which vesting orders could be made) for the transfer of rights, liabilities, contracts and assets etc, to take effect from the end of the transition period.

20. Auckland Council considers that the Chief Executive should retain overall accountability for employment matters (consistent with the Local Government Act 2002) as this is an operational matter.
21. Clause 21, which requires each role to be categorised, should be broadened to include situations where an affected employee's role may not be completely the same as the role they currently undertake.
22. The definition of "equivalent employment" should also be broadened to give the Chief Executive discretion to offer equivalent or alternative employment where exact equivalence is not practicable.
23. Clarification should be provided regarding when an affected employee will not be entitled to contractual compensation (including if they are offered and accept a role with the transport CCO).

Introduction

24. Auckland Council welcomes the progress of this Bill and thanks the Government for their support to reform transport governance in Auckland. It is critical for Auckland and New Zealand that the significant investment of both Auckland Council and Government on transport is as efficient, effective and accountable as possible.
25. Auckland Transport was set up in 2010 in statute to provide a singular focus on delivering Auckland's local transport. While the past 15 years has seen progress across the transport programme, the council has been limited in its ability to direct Auckland Transport due to the legislative framework and powers of the Auckland Transport board. As new legislation is developed through this transport reform, it is critical that thought is given to what is set in statute and what is left to the council to determine the flexibility needed to operate across the provision of local transport in Auckland.
26. Auckland Council strongly supports the general intent of the legislation. This submission focusses on the key elements of the reform and provides solutions or alternatives where they are needed to ensure workability and clarity of responsibility.
27. To further assist the Select Committee, Auckland Council requests that the Select Committee appoint Auckland Council as an adviser to the select committee under clause 215 of Chapter 4 of Parliamentary Standing Orders.
28. In addition, it is critical that officials from the council are enabled to work alongside Ministry of Transport officials throughout the process.

Tāmaki Makaurau

29. Close to 1.8 million people live in Tāmaki Makaurau. The rate and speed of Auckland's population growth puts pressure on Auckland's communities, environment, and housing and infrastructure networks. It also means there is increasing demand for space, infrastructure and services to support this level of growth.
30. Auckland Council acknowledges and works alongside the 19 mana whenua iwi authorities of Tāmaki Makaurau. Auckland Council is committed to meeting its responsibilities under Te Tiriti o Waitangi / the Treaty of Waitangi (Te Tiriti / the Treaty) and its broader legal obligations to Māori. The council

recognises that these responsibilities are distinct from the Crown's Treaty obligations and fall within a local government Tāmaki Makaurau context.

Transport Network

31. On average, just over 29,000 people travel by bus on arterial roads in the morning peak in Auckland. Last year 88.8 million passengers boarded buses, trains and ferries. Many residents in Auckland are dependent on public transport to access work, education and essential services. The needs of communities must be prioritised, including access to affordable and reliable public transport services. Alongside this is the operation of Auckland's freight network. It is critical that the freight task is taken into account when planning transport across Auckland.

Freight

32. As New Zealand's largest city, Auckland is a large consumer of goods and services but also has a key role in the distribution of freight to the rest of the country. Auckland is home to major freight gateways, including the Port of Auckland, MetroPort and Auckland International Airport. These intermodal gateways are some of New Zealand's most significant import and export gateways, both by volume and value.

33. Within Auckland, freight moves primarily on the state highways, motorways and arterial road network. However, in industrial areas, freight movements on local roads provide access to warehouses and distribution centres.

Growth

34. Auckland serves as New Zealand's primary economic hub, contributing 38 per cent (\$157 billion in 2024) of the national Gross Domestic Product (GDP). Auckland's GDP is about 13 per cent higher on a per person basis than the national average. Auckland hosts a diverse range of industries that drive growth and employment.

35. Auckland faces significant transport challenges now and into the future. The region has seen a population increase of 277,000 people to close to 1.8 million in the 10 years to 2024 and is expected to welcome another 220,000 new Aucklanders by 2034.

36. Council aims to deliver faster and more reliable public transport, an improved and resilient transport network that drives regional economic productivity, targets congestion and improves journey times. The council also has a continued commitment to reducing transport-related deaths and serious injuries and decarbonising the transport system to help meet Auckland's environmental goals.

Significance

37. In the 2025/2026 financial year, Auckland Council will spend \$1,478 million on transport capital investment and \$1,796 million on transport operating expenditure. This represents 35 per cent and 37 per cent of council's budgets. Given the significance of this spend, it is critical that decisions are made by democratically accountable elected members.

Key Areas In Support

Overall Intent

38. Auckland Council strongly supports the overall policy objectives of the Bill as: ensuring democratic accountability for decision-making in Auckland and strengthening the role of Government and Auckland Council in long-term integrated transport planning in Auckland.
39. The council supports a transport CCO with a narrow focus and supports the remaining transport functions moving from Auckland Transport to Auckland Council, including the approval of regional policies and plans, the responsibility for delivering the transport capital programme, and renewals and maintenance.
40. The council also supports the role of the Road Controlling Authority moving from Auckland Transport to Auckland Council, which would see the council undertaking wide-ranging transport functions, covering policy, regulatory and operational matters, including the power to make bylaws under the Land Transport Act 1998.
41. In principle, and consistent with allocations under Local Government Auckland Council Act, the council supports local boards having a greater role in transport decision-making over some matters.

Establishment of the Auckland Regional Transport Committee

42. Auckland Council supports the establishment of the Auckland Regional Transport Committee (ARTC) as a joint statutory, government and Auckland Council committee, responsible for strategic transport planning in Auckland.
43. Auckland Council supports the membership comprising equal representation from Auckland Council's Governing Body and Ministerial appointees and supports an independent chair jointly appointed by the Mayor and Minister.
44. Both Auckland Council and Government should consider how best to include Māori representation and participation in the ARTC. This could include both direct appointments and/or Houkura non-voting membership.
45. Auckland Council supports the functions of the ARTC as preparing the 30-year transport plan, monitoring the delivery of the plan and consulting on and preparing the regional land transport plan for Auckland in accordance with the Land Transport Management Act 2003.
46. The provision enabling the council to delegate any of its strategic responsibilities, duties, functions or powers that relate to land transport in Auckland to the ARTC, following consultation with the Minister, is supported by Auckland Council. The ARTC should be the Auckland governance forum for other transport partnership work, including time of use charging and the Metropolitan Review of Rail, rather than creating additional and separate governance groups.
47. To further strengthen the partnership between government and council, greater collaboration would be enabled by Auckland Council having a non-voting member on the New Zealand Transport Agency Board (NZTA) for when Auckland specific matters are being considered.

30-Year Transport Plan

48. Auckland Council strongly supports the requirement for a 30-year Transport Plan (Plan) and its purpose as set out in the Bill. The council supports the requirement for the Plan to be approved by the Minister of Transport and the Governing Body and supports a six-year review period with the flexibility for the Mayor and Minister to require the Plan to be reviewed earlier if required.
49. Auckland Council strongly supports the provision that the Government is required to take the Plan into account as part of its transport planning and funding processes, including the Government Policy Statement on Land Transport (GPS) and the National Land Transport Programme. The council considers this a critical provision to give effect to the shared objective of the reform to create alignment between the government and Council and commitment to implementing the 30-year transport plan.

Regional Land Transport Plan

50. Auckland Council strongly supports the role of council as the approver of the Auckland Regional Land Transport Plan (RLTP), noting the ARTC is responsible for the preparation and consultation of the RLTP.
51. The council strongly supports the requirement for the ARTC to have regard to council's transport policy statement when preparing the RLTP.

Important Changes Required - Responsibilities and Workability

30-year Transport Plan / ARTC

52. The council does not support the 30-year transport plan's objectives being prescribed in primary legislation. Objectives should be jointly developed and approved by Government and Auckland Council. Specifying objectives in legislation undermines the intent of the reform that the government and the council jointly agree on priorities.

Recommendations:

- a) Objectives for the 30-year Transport Plan should be removed from the Bill and instead be jointly developed and approved by Government and Auckland Council.
- b) Both Auckland Council and Government should consider how best to include Māori representation and participation in the ARTC. This could include both direct appointments and/or Houkura non-voting membership.

Transport CCO

53. Auckland Council supports a more narrowly focused transport CCO and the requirement for the transport CCO to perform its functions in accordance with the objectives of Auckland Council. The intent to provide a dedicated and focused delivery agency for public transport in Auckland, and to provide some stability in terms of the function is also supported.
54. Auckland Council supports the provision that it may delegate any of its responsibilities, duties, functions and powers to the transport CCO, however it does not support the requirement for approval of these delegations by the Minister of Transport. The requirement for Ministerial approval of delegations to the transport CCO is an inappropriate constraint on the council's governance autonomy. The approval requirement adds unnecessary procedural obligation to what should be straight-forward decisions during the transition and is inconsistent with general powers to determine

how services are delivered. In its current form this requirement derogates from the balance struck by the reform.

55. Auckland Council does not support the continuation of a statutory CCO. Public transport is currently a function of local government, and the council should, therefore, determine the appropriate delivery model for local public transport services. The council already has discretion under the LGA to determine how best to deliver its activities and whether this is most effectively delivered through a CCO.¹ It also has the discretion to establish or disestablish a CCO. Providing for the continuation of a transport CCO in legislation entrenches the existence of the CCO as an entity and removes the council's discretion in this regard. Removing the legislative requirement for a transport CCO would provide the council with the flexibility to make future changes if required.
56. The Bill provides for the transport CCO to provide public transport services within Auckland, and for those purposes refers to the definition of public transport services in s5(1) of the Land Transport Management Act (LTMA). This definition on its own does not provide sufficient certainty as to what functions the transport CCO will carry out in practice. It is important, therefore, that the Bill expressly provides for the council to determine what functions will sit with the transport CCO for it to deliver the public transport services. Without this, Auckland Council and the transport CCO could be unnecessarily exposed to risk.

Recommendations:

- a) Auckland Council should retain discretion under the LGA to determine the appropriate delivery model for public transport services and whether this is most effectively delivered through a CCO.
- b) Should the Bill continue to prescribe the transport CCO to be a statutory CCO, the Bill be amended to provide that the transport CCO is a company under the Companies Act.
- c) The requirement for Ministerial approval of delegation of functions from Auckland Council to the transport CCO be removed, leaving it to the discretion of Auckland Council to determine what delegations are appropriate.
- d) The Bill should expressly provide for the council to determine what functions will sit with the transport CCO in order for it to deliver public transport services.

Allocation of Auckland Council's Transport Responsibilities

Allocation of Powers/Functions Between the Governing Body and Local Boards

57. In principle, the council supports local boards having a greater role in transport decision-making over some matters, however it does not support provisions that prescribe the allocation of council's responsibilities to local boards. This approach is overly rigid and will have unintended consequences.
58. Currently, sections 14-17 of LGACA provide for a shared governance structure at Auckland Council where both the Governing Body and local boards are responsible and democratically accountable for certain decisions of Auckland Council. Under section 15 of LGACA, the Governing Body is responsible for the council's regulatory decision-making, and for any non-regulatory activities that it allocates to itself in accordance with the principles in section 17. Before making a decision that the Governing Body is responsible for, it must consider any views and preferences expressed by a local board, if the decision affects, or may affect, the responsibilities or operation of the local board or the well-being of communities within its local board area (LGACA, section 15(2)(c)).

¹Section 17A

59. Under section 16 of LGACA, local boards are responsible for (among other things) the non-regulatory activities that are allocated to them by the Governing Body in accordance with section 17, and for identifying and communicating 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.
60. Section 17 of LGACA is based on the principle of subsidiarity, under which decision-making responsibility for non-regulatory activities is exercised by local boards unless the nature of the activity is such that decision-making on an Auckland-wide basis will better promote the well-being of communities across Auckland. The agreed allocation of decision-making is included in the council's long-term plan and each year's annual plan.
61. The LGA also currently provides for the Governing Body to delegate any of its responsibilities, duties, and powers (subject to a few exceptions) to local boards (see clause 36C of Schedule 7 of the LGA).
62. The council has serious concerns about the approach the Bill takes to prescribing the allocation of transport-related decision-making between the Governing Body and local boards. The way the Bill currently allocates specifically named statutory powers between the Governing Body and local boards is unworkable in practice and potentially exposes Auckland Council to excessive litigation risk.
63. In the council's view, significant further policy work on the detail is required to make the split work in practice. The issues are widespread and complex. The changes required go beyond tweaks to the Bill. As an example, the roading that surrounds Eden Park, is made up of local, collector and arterial roads. In this example, decision making as proposed in the Bill would be split between the Governing Body (arterial) and a local board (collector and local roads). This would add additional complexity and presents a network integration risk when Eden Park is in use. The council is able to provide follow-up advice to the select committee or Ministry officials on this, with detailed analysis and concrete examples.
64. To protect the intent of the Bill and ensure that the allocation of decision-making between the Governing Body and local boards works in practice, the allocation provisions in the Bill should be removed and the existing statutory framework relating to the allocation of decision-making at Auckland Council in sections 14-17 of LGACA be applied. Under the existing legislative framework, transport-related regulatory functions would sit in the first instance with the Governing Body, but would be able to be delegated to local boards under the LGA. Non-regulatory transport functions would then be allocated between the Governing Body and local boards in accordance with section 17 of LGACA. The Bill could also amend the existing legislative framework to enable the Governing Body to allocate transport-related regulatory decisions in accordance with section 17.
65. Auckland Council considers this approach would ensure allocation of decision-making responsibility to local boards, consistent with the intent to provide them with a greater role in decision-making, but it would preserve flexibility, reduce unintended consequences and maintain a proportionate degree of oversight by the Governing Body.
66. If the council's preference (detailed in paragraph 64) is not accepted, an alternative practical option, to allow further detailed policy work to happen without holding up the Bill's progress through the House, would be to remove the existing allocation provisions from the Bill and for the Bill to instead provide for the making of secondary legislation that prescribes the allocation of powers and functions (perhaps by an Order in Council). Council staff can then work with Ministry officials to agree the details of a system that will work in practice. This approach is consistent with the Bill's current

provision in section 47C(4) for the Governor-General, on the recommendation of the Minister, to vary the Schedule 4 powers by Order in Council.

Ability to Delegate to Staff

67. Section 47A(2) suggests that the Governing Body itself must exercise and perform these functions (i.e. not staff under delegation). This is unworkable. As an alternative, the council suggests using wording currently used in section 15 of LGACA for Governing Body's decision-making responsibilities - "The governing body is responsible and democratically accountable for..."

Bylaws

(a) Local board powers to make resolutions under bylaws

68. As noted above in paragraph 57, the council agrees that local boards should have decision-making responsibility for some transport matters.
69. The council has concerns about the specific way in which the Bill currently does this, including in relation to the making of resolutions under Land Transport Act (LTA) bylaws, as provided for in the proposed new section 47D(6) of LGACA.
70. As with the allocation of decision-making responsibility discussed above, the council recommends that the provisions prescribing the powers of local boards to make certain transport-related resolutions under bylaws should be removed, instead relying on the existing legislative framework, under which Governing Body has decision-making responsibility for regulatory matters, including the making of resolutions pursuant to bylaws. Under the LGA, the Governing Body can then delegate the making of these resolutions to local boards, where it makes sense to do so. It currently does so, for example, in relation to bylaw resolutions about local alcohol bans and dog access rules.
71. If the Bill is to retain some form of prescribed allocation on bylaw resolution-making powers, the council considers significant further policy work is required to ensure that the proposed division of responsibility will work in practice. As noted above, the council will provide follow-up advice to the committee or Ministry officials on this, with detailed analysis and concrete examples.

(b) Requirement for all local boards to agree to making a bylaw

72. Under the current drafting of the Bill, the Governing Body cannot make a bylaw under the Land Transport Act 1998 unless all 21 local boards agree (as per LGACA, new section 47D(2)), subject to an exception set out in section 47D(3) (see comments below in (c) on this exception).
73. Auckland Council does not support this highly unusual requirement. It is inconsistent with other bylaw-making powers, and it imposes an excessively high procedural burden for Auckland Council that does not exist elsewhere.
74. The requirement for local boards to agree to the making of a bylaw effectively giving local boards a veto power is unworkable. The resulting unpredictability and additional procedural burden adds unnecessary complexity to the bylaw-making process and brings with it the very real risk of the council not being able to adopt a transport bylaw, preventing it from effectively regulating transport matters in the public interest.
75. The requirement for local board agreement should be removed from the Bill. The standard position under LGACA should apply, under which Governing Body is "*responsible and democratically accountable for ... the decision making of the Auckland Council in relation to any regulatory ...*

power”, including the making of bylaws (section 15(1)(a)). Further, under the existing legislative framework, the Governing Body is already required to – and does – take into account communities’ views and preferences as articulated by local boards before adopting a bylaw (LGACA, section 15(2)(c)).

(c) Clarification on what constitutes a local board “unreasonably withholding” agreement

76. If the requirement for local board agreement is to be retained (which council opposes), the scope of the exception under section 47D(3) should be clarified by removing the reference to local boards having unreasonably withheld their agreement (i.e. the Governing Body can make a bylaw with agreement from a majority of local boards).
77. Under section 47D(3), the Governing Body may make a bylaw with only the majority of local boards agreeing, if the “Governing Body considers that the local boards that have not agreed to it have unreasonably withheld their agreement”. Section 47D(5) provides a non-exhaustive list of grounds that constitute “unreasonably withholding” agreement.
78. In the council’s view, it is not appropriate that such an ambiguous and subjective test determine a procedural matter as fundamental as to whether or not a bylaw can lawfully be made. The scope for differing views as to what constitutes “unreasonably withholding” agreement may lead to a governance impasse and will likely expose the council to excessive legal risk around whether the bylaw was validly made (including as a secondary challenge to the lawfulness of action taken pursuant to the bylaw). Therefore, the requirement in section 47D(3)(b) for the Governing Body to make a bylaw with the agreement of a majority of local boards only if the Governing Body considers that the local boards that have not agreed to it and have unreasonably withheld their agreement, should be removed.

(d) Exercising powers, functions and responsibilities

79. Under section 47B, in exercising or performing the powers, functions and responsibilities specified in sections 47A to 47D, the Governing Body or local board (as the case may be) must be satisfied that in doing so would not “unreasonably interrupt the transport of freight through the affected area and frequently running public transport networks in the affected area”. No other territorial authority is subject to such a requirement. Auckland Council does not support this wording. This exposes the council to excessive legal risk and may lead to an inability to take decisions or to act in a timely manner, particularly given:
- a) the requirement applies to the exercise of any transport power, function, requirement – which covers an extremely broad range of decision-making.
 - b) the term “unreasonably interrupt” is undefined and subjective.
80. Further, in the council’s view, the words “be satisfied”, which are currently in the Bill, set a very high threshold from a legal perspective – for example, it may require active consideration of evidence on the impact of freight and public transport networks before any transport-related decision is made.
81. We also note the relevant legislative framework already prescribes factors that should be taken into account before a particular transport power is exercised (e.g. Speed Limits Rule; bylaw-making power in section 22AB of the LTA; Street Layouts Rule).
82. Further, any exercise of a public power is already subject to public law requirements, such as reasonableness, and requirements to consider all relevant considerations.

83. A more appropriate framing of the obligation in section 47B would be along the lines of section 60A of the LGA. For example, a requirement that before the council makes a decision that may significantly affect the transport of freight or frequently running public transport networks in the affected area, it must take relevant matters into account.

84. Therefore, council recommends replacing the test of “unreasonably interrupting” the transport of freight and frequently running public transport networks in the affected area with a requirement to “have regard to” the operation and reliability of freight and public transport services when exercising transport functions.

Recommendations:

- a) The Bill should rely on existing principles and processes set out in the Local Government (Auckland Council) Act 2009 (LGACA) and Local Government Act 2002 to allocate or delegate (as the case may be) transport-related decision-making responsibilities (i.e. the appropriate allocation is determined by the Governing Body taking into account the views and preferences of local boards)
- b) The council recommends that the provisions prescribing the powers of local boards to make certain transport-related resolutions under bylaws should be removed, instead relying on the existing legislative framework
- c) The requirement for local board agreement to the making of a transport bylaw should be removed from the Bill
- d) If the requirement for local board agreement is to be retained (which council opposes), the scope of the exception under section 47D(3) should be clarified by removing section 47D(3)(b)
- e) Replace the requirement in section 47B to be satisfied that a decision will not “unreasonably interrupt the transport of freight through the affected area and frequently running public transport networks in the affected area” with a requirement that the council “have regard to” the operation and reliability of freight and public transport services when exercising transport functions.

Auckland Roding Classification Framework

85. Auckland Council supports the need for a Roding Classification Framework but does not support the requirement for one in statute. Approving the framework will require valuable ministerial time.

86. Roding classification frameworks are used by road controlling authorities for a variety of purposes, including land use planning, regulatory controls, managing transport networks and planning transport investment. Such frameworks are already in place in Auckland. For example, Auckland Transport has the Roads and Streets Framework and NZ Transport Agency has the One Network Framework.

87. The key purpose for the roding classification framework proposed in the Bill is to determine the allocation of transport powers between local boards and the Governing Body, as prescribed elsewhere in the Bill (as local boards would have certain powers only over land classified under clause 48 as a “local road” or “collector road”).

88. As set out above, council’s position is that the Bill should not prescribe the allocation of powers between the Governing Body and local boards. Therefore, there is no need for the Bill to require Auckland Council to develop a roding classification framework, and clause 48 should be removed.

As part of the transition, Auckland Council would need to review existing frameworks and develop a fit for purpose framework going forward.

89. However, if the statutory allocation of powers and functions is retained (which the council opposes), several amendments need be made to the requirements relating to the roading classification framework under clause 48 for it to work in practice. In particular:

Remove requirement for Ministerial approval: The requirement for Ministerial approval needs to be removed. In 2024 alone, growth and development across Auckland resulted in 115 new roads. It would be unworkable for the council to obtain Ministerial approval each time a road is added to the classification framework.

Clarify definition of road: The Bill should clarify which definition of “road” applies for these purposes: the LGA 74 definition, the broader LTA definition, or something else. There is a significant difference between the two definitions. For example, parks will generally only fall within the LTA definition but not the LGA 74 one.

Other technical amendments: The council has identified other technical issues with clause 48 as currently drafted. This includes, for example, issues around roads that arguably do not fall within any definition, and special considerations around parkland and beaches. Further, clarification is needed, for example, around who has which powers over a road in the period between it coming into existence, and the point at which it is classified (or approved, if the requirement for Ministerial approval is retained). The council is happy to provide further detailed advice on this to the select committee or Ministry officials. The council recommend officials from the council and the Ministry undertake further detailed work to refine these definitions (e.g. collector road). These amendments could either be built into the Bill itself or potentially form part of secondary legislation.

Recommendations:

- a) Clause 48 should be removed from the Bill as its only purpose relates to the allocation of decision-making between Governing Body and local boards which the council considers should not be prescribed in the Bill.
- b) if a) isn't agreed to, then several amendments are needed to clause 48 to ensure it is workable in practice, including:
 - Clause 48(4)(b) should be amended to remove the requirement for the Minister of Transport to approve the individual classification of roads or any variations to classification, retaining the approval for the framework with the Governing Body
 - The categories to be included in the framework should be removed from the Bill, with Auckland Council to determine the appropriate categories and definitions of those categories
 - Clause 48 should be amended to clarify the definition of “road” for the purposes of the roading classification framework.

Transitional Provisions

Transport CCO, Governance and Planning

90. Auckland Council supports the inclusion of transitional provisions in the Bill and supports the transitional period as being six months after the commencement date.
91. Auckland Council supports the members of the ARTC being appointed within three months of the Bill coming into force. The council supports that before that, the functions of the ARTC will be performed by the permanent advisors.

92. Auckland Council supports the requirement for the first 30-year transport plan to be completed by the date set by the Minister of Transport and the Mayor.
93. The council recommends that the Bill explicitly provide that changes required to give effect to the transition are not subject to the consultation and decision-making requirements in Part 6 of the Local Government Act 2002 (LGA), including the requirements relating to Long-term Plan amendments (such as, but not limited to, sections 93(5), 94(2), and 97 of the LGA).
94. The council supports the establishment of an interim governing body of the Transport CCO for the duration of the transitional period. Auckland Council does not support the three-member limit on the interim board due to the complexity and breadth of decisions required. The council recommends that it have discretion when appointing interim board members, with up to five members.
95. Auckland Council supports that, for the transitional period, the transport CCO will continue to perform and exercise certain functions and powers as if LGACA had not been amended by the Bill. Auckland Council supports the requirement to review bylaws made by Auckland Transport during the transition period within the parameters identified.
96. The council considers that six months is an impractical amount of time to review all Auckland Transport policies and plans. It is recommended that Auckland Transport policies and plans are deemed to be made by Auckland Council and there is a requirement for the council to review (prioritised as appropriate) all transport policies and plans. Auckland Council should be able to determine the process and timing for this review.
97. Auckland Council supports the transfer of the requiring authority status from the transport CCO to Auckland Council from the transfer date.
98. Given the six-month transition period and the amount of work that the council will need to do to prepare for the transition, the council recommends the Bill expressly validates early actions taken prior to commencement of the Act to facilitate transition, if such action would have been lawful had the Act been in force at the time. Such provision would, for example, assist the council to appoint a transition director to begin work on the transition plan, or to ensure that the interim board of the transport CCO is in place prior to the commencement date so that there is no lag in making these key appointments. An example of such provision is section 118 of the Local Government (Auckland Transitional Provisions) Act 2010, which enabled preparatory work to be undertaken prior to the commencement of that Act.
99. Before the end of the transition period, the transport CCO must enter into deeds of transfer with Auckland Council in respect of the matters set out in 20 (1) that are determined to be transferred in the transition plan. This approach is unworkable. It would necessitate an extremely time-consuming and resource intensive process, requiring significant due diligence, and introducing significant commercial transfer and project continuity risks.
100. Instead, council strongly recommends that the Bill provide for transfer of assets and other matters referred to in clause 20(1)(a) of the new Part 3 of Sch 1AA of LGACA to have a statutory basis, taking effect from the end of the transition period. One way to achieve this would be through providing an Order in Council-making power, under which vesting orders could be made, analogous to those used as part of the Auckland amalgamation, through the Local Government (Tamaki Makaurau Reorganisation) Act 2009 (see in particular s 36).
101. Council recommends that clause 20(1)(a) of the new Part 3 of Schedule 1AA of LGACA be expanded to expressly refer to regulatory consents, designations, notices of requirement, and other analogous matters, currently in Auckland Transport's name, and provide that references to Auckland Transport in Schedule 2 of the Fast-track Approvals Act 2024 should be read as references to the transport CCO.

Transition Director and Transition Plan

102. Auckland Council supports the appointment of a transition director to prepare a transition plan, that details aspects of the transition brought about by the amendments made by the Bill.
103. The transition director's classification of roles is not suitable for the transition plan (and Governing Body's ultimate approval) as typically, staffing matters sit with the Chief Executive rather than being a matter of governance.
104. Council recommends that the decisions about the status of the roles of affected employees sits at an operational level with the Chief Executive (as would generally be the case) rather than within the approval of the Governing Body.

Employment Related Provisions

105. It is critical that the transition enables both Auckland Council and the transport CCO to operate as high-performing organisations, and that unnecessary cost and disputes are avoided. As currently drafted, the employment provisions in the Bill are unworkable and risk undermining this goal.
106. Comments relate to key employment aspects of the Bill, with the aim of ensuring that the transition process:
- a. is clear and unambiguous for all involved
 - b. allows Auckland Council the flexibility to re-design the delivery of transport functions and the transfer of the transport CCO's employees upfront, to ensure an efficient transfer that meets the ongoing needs of Auckland Council and the transport CCO
 - c. is conducted in a fair and financially prudent manner in relation to employee entitlements; and
 - d. poses a low level of risk in terms of legal challenges.
107. Auckland Council recommends that the Bill be amended to make four important changes. These changes largely adopt the proven approach taken in the Local Government (Auckland Transitional Provisions) Act 2010, which governed the 2010 amalgamation:
- a. **Chief Executive retains responsibility for employment matters:** employment decisions should remain the responsibility of the Auckland Council Chief Executive, on recommendation from the Transition Director, consistent with established legal responsibilities and past precedent.
 - b. **Flexibility about roles needed for new structure:** The legislation should make it explicit that affected employees may be offered the same role, a similar/equivalent role, a different or non-equivalent role, or no role in the new structure. The Chief Executive and Transition Director require this flexibility to design a high-performing organisation while ensuring fair treatment of staff.
 - c. **Broader definition of "equivalent employment":** The Bill should adopt a broader test so that employees offered employment in substantially similar roles (including on broadly similar terms and conditions) are not treated as redundant. This will reduce scope for dispute and avoid unnecessary cost while protecting employees' continuity of employment.
 - d. **No redundancy where employment is accepted:** The Bill should clarify that employees who accept an offer of employment with Auckland Council, whether equivalent or not, remain in continuous employment and are not entitled to redundancy compensation.

108. For clarity, the outcomes of these changes in relation to redundancy compensation are set out below (Redundancy Compensation Framework Table).

<i>Employee offered equivalent employment for same or substantially similar role</i>	
Employee accepts offer	No compensation payable
Employee declines offer	No compensation payable
<i>Employee offered non-equivalent employment</i>	
Employee accepts offer	No compensation payable Could consider: that if position at lower remuneration – <i>remuneration held at same level for a period of 6 months</i> (as per Auckland Transition legislation)
Employee declines offer	Contractual compensation (if any) payable
<i>Employee not offered employment</i>	
Employee not offered employment	Contractual compensation (if any) payable

109. We have outlined additional recommendations (refer Appendix 1, clause by clause table), with proposed amendments to specific clauses. These are indicative and are likely to require further development. Proposed amendments are provided to assist the select committee and council is available to discuss these amendments in greater detail.

Recommendations:

- a) The council recommends that it have discretion when appointing interim board members, with up to five members
- b) The Governing Body approval of the Transition Plan is limited to governance matters with all other elements the responsibility of the Chief Executive
- c) The Bill is amended to provide greater flexibility for Auckland Council to review transport plans and policies over time and that existing policies and plans are deemed to have been made by Auckland Council
- d) The Bill provide council with relief from usual statutory requirements relating to consultation and decision-making (including in relation to Long-term Plan amendments) in relation to changes that council makes to give effect to the Bill
- e) The Bill expressly validate early actions taken prior to commencement of Act to facilitate transition (if would have been lawful had the Act been in force at the time)
- f) The Bill provide for transfer of assets and other matters referred to in cl 20(1)(a) of the new Part 3 of Sch 1AA of LGACA to have a statutory basis, taking effect from the end of the transition period
- g) Clause 20(1)(a) of the new Part 3 of Sch 1AA of LGACA be amended to expressly include regulatory consents, designations, notices of requirement, and analogous matters currently in Auckland Transport's name
- h) Chief Executive retains responsibility for employment matters: employment decisions should remain the responsibility of the Auckland Council Chief Executive, on recommendation from the Transition Director, consistent with established legal responsibilities and past precedent
- i) Flexibility about roles needed for new structure: The legislation should make it explicit that affected employees may be offered the same role, a similar/equivalent role, a different or non-equivalent role,

or no role in the new structure. The Chief Executive and Transition Director require this flexibility to design a high-performing organisation while ensuring fair treatment of staff

- j) Broader definition of “equivalent employment”: The Bill should adopt a broader test so that employees offered employment in substantially similar roles (including on broadly similar terms and conditions) are not treated as redundant. This will reduce scope for dispute and avoid unnecessary cost while protecting employees’ continuity of employment
- k) No redundancy where employment is accepted: The Bill should clarify that employees who accept an offer of employment with Auckland Council, whether equivalent or not, remain in continuous employment and are not entitled to redundancy compensation
- l) We have outlined additional recommendations (refer Appendix 1, clause by clause), with proposed amendments to specific clauses. These are indicative and are likely to require further development. Proposed amendments are provided to assist the select committee and council is available to discuss these amendments in greater detail.

Consideration of Māori outcomes

- 110. The Bill misses critical opportunities to uphold te Tiriti o Waitangi and respond to the Issues of Significance for Māori in Tāmaki Makaurau. While the reforms are intended to strengthen transport governance, they risk undermining Māori authority, cultural protections, and equitable access unless Māori partnership is explicitly provided for.
- 111. He Whenua Makaurau 2025–2030 sets out the values of mana motuhake, rangatiratanga, kaitiakitanga, kotahitanga, whanaungatanga, and wairuatanga as foundations for Māori wellbeing. The Bill does not give effect to these principles. Instead, it relies on generic consultation duties rather than embedding Māori representation, co-design, or accountability for outcomes. This creates a risk of fragmented local approaches and tokenistic engagement that fall short of Treaty partnership, leaving tangata whenua values, Māori community needs, and sites of significance vulnerable.
- 112. Auckland Council has a statutory obligation under the Local Government Act 2002 to “establish and maintain processes to provide opportunities for Māori to contribute to” its decision-making processes (section 81(a)).
- 113. Auckland Council considers that the proposed ARTC have an explicit requirement to take into account Te Tiriti o Waitangi and to provide opportunities for Māori to contribute to decision making (consistent with LGA and LGACA).
- 114. Feedback from Houkura/Independent Māori Statutory Board is appended at 3.

Views of local boards

- 115. Given the impact on the future role of local boards in transport governance and decision making, priority was given by all local boards to providing feedback on the Bill. All 21 local boards workshopped and formally considered the Bill. Appendix 2 includes the formal resolutions from 21 local boards. There is variation in feedback across the local boards.
- 116. There is general support from the local boards for the Bill, with specific feedback received on detail within the provisions of the Bill and also on operational matters which Auckland Council will take into account. Local boards have expressed concerns with respect to the increased scope in role as a consequence of additional transport decision making responsibilities. The Remuneration Authority

has agreed to undertake a review of its remuneration for governing body and local boards in 2026 to consider the changes that may result from the Bill.

117. The majority of local boards support the establishment of a transport CCO focused on delivering public transport services. The majority of local boards support the allocation of decision making via legislation to local boards for decisions on local and collector roads.

118. There is support for the Auckland Regional Transport Committee from local boards, noting boards provided feedback that there should be local board representation on the ARTC.

119. Local boards are in support of the provision which requires the majority of local boards to agree to a new transport bylaw and the majority of local boards support the development of a Rooding Classification Framework for Auckland.

120. The majority of local boards support a transition period as proposed in the Bill.

Conclusion

121. Auckland Council strongly supports the general intent of the Bill. Council looks forward to working closely with government officials on key elements of the reform to ensure the intent of the Bill is realised and ensure workability of key elements is achieved.

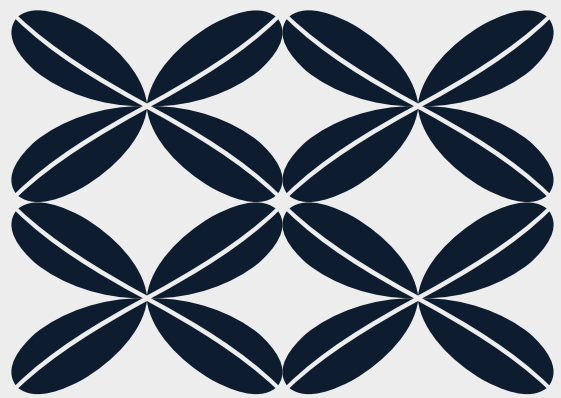
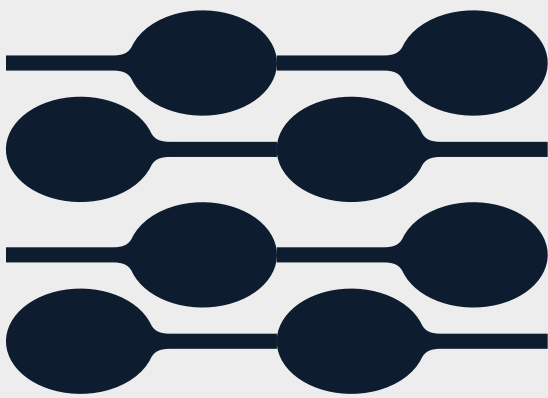
122. Council has received input from all 21 Local Boards, Auckland Transport and Houkura/Independent Māori Statutory Board. This has shaped the key areas of comment which are in the main part of the submission and the clause by clause analysis. All recommendations are listed below:

Recommendations:

- a) Objectives for the 30-year Transport Plan should be removed from the Bill and instead be jointly developed and approved by Government and Auckland Council.
- b) Both Auckland Council and Government should consider how best to include Māori representation and participation in the ARTC. This could include both direct appointments and/or Houkura non-voting membership.
- c) Auckland Council should retain discretion under the LGA to determine the appropriate delivery model for public transport services and whether this is most effectively delivered through a CCO.
- d) Should the Bill continue to prescribe the transport CCO to be a statutory CCO, the Bill be amended to provide that the transport CCO is a company under the Companies Act.
- e) The requirement for Ministerial approval of delegation of functions from Auckland Council to the transport CCO be removed, leaving it to the discretion of Auckland Council to determine what delegations are appropriate.
- f) The Bill should expressly provide for the council to determine what functions will sit with the transport CCO in order for it to deliver public transport services.
- g) The Bill should rely on existing principles and processes set out in the Local Government (Auckland Council) Act 2009 (LGACA) and Local Government Act 2002 to allocate or delegate (as the case may be) transport-related decision-making responsibilities (i.e. the appropriate allocation is determined by the Governing Body taking into account the views and preferences of local boards)

- h) The council recommends that the provisions prescribing the powers of local boards to make certain transport-related resolutions under bylaws should be removed, instead relying on the existing legislative framework
- i) The requirement for local board agreement to the making of a transport bylaw should be removed from the Bill
- j) If the requirement for local board agreement is to be retained (which council opposes), the scope of the exception under section 47D(3) should be clarified by removing section 47D(3)(b)
- k) Replace the requirement in section 47B to be satisfied that a decision will not “unreasonably interrupt the transport of freight through the affected area and frequently running public transport networks in the affected area” with a requirement that the council “have regard to” the operation and reliability of freight and public transport services when exercising transport functions.
- l) Clause 48 should be removed from the Bill as its only purpose relates to the allocation of decision-making between Governing Body and local boards which the council considers should not be prescribed in the Bill.
- m) If l) isn’t agreed to, then several amendments are needed to clause 48 to ensure it is workable in practice, including:
 - Clause 48(4)(b) should be amended to remove the requirement for the Minister of Transport to approve the individual classification of roads or any variations to classification, retaining the approval for the framework with the Governing Body
 - The categories to be included in the framework should be removed from the Bill, with Auckland Council to determine the appropriate categories and definitions of those categories
 - Clause 48 should be amended to clarify the definition of “road” for the purposes of the roading classification framework.
- n) The council recommends that it have discretion when appointing interim board members, with up to five members
- o) The Governing Body approval of the Transition Plan is limited to governance matters with all other elements the responsibility of the Chief Executive
- p) The Bill is amended to provide greater flexibility for Auckland Council to review transport plans and policies over time and that existing policies and plans are deemed to have been made by Auckland Council
- q) The Bill provide council with relief from usual statutory requirements relating to consultation and decision-making (including in relation to Long-term Plan amendments) in relation to changes that council makes to give effect to the Bill
- r) The Bill expressly validate early actions taken prior to commencement of Act to facilitate transition (if would have been lawful had the Act been in force at the time)
- s) The Bill provide for transfer of assets and other matters referred to in cl 20(1)(a) of the new Part 3 of Sch 1AA of LGACA to have a statutory basis, taking effect from the end of the transition period
- t) Clause 20(1)(a) of the new Part 3 of Sch 1AA of LGACA be amended to expressly include regulatory consents, designations, notices of requirement, and analogous matters currently in Auckland Transport’s name
- u) Chief Executive retains responsibility for employment matters: employment decisions should remain the responsibility of the Auckland Council Chief Executive, on recommendation from the Transition Director, consistent with established legal responsibilities and past precedent

- v) Flexibility about roles needed for new structure: The legislation should make it explicit that affected employees may be offered the same role, a similar/equivalent role, a different or non-equivalent role, or no role in the new structure. The Chief Executive and Transition Director require this flexibility to design a high-performing organisation while ensuring fair treatment of staff
- w) Broader definition of “equivalent employment”: The Bill should adopt a broader test so that employees offered employment in substantially similar roles (including on broadly similar terms and conditions) are not treated as redundant. This will reduce scope for dispute and avoid unnecessary cost while protecting employees’ continuity of employment
- x) No redundancy where employment is accepted: The Bill should clarify that employees who accept an offer of employment with Auckland Council, whether equivalent or not, remain in continuous employment and are not entitled to redundancy compensation
- y) In addition to the above, we have outlined additional recommendations in Appendix 1 which details proposed amendments to specific clauses.



Appendix 1

Clause by clause submission points



Local Government (Auckland Council) (Transport Governance) Amendment Bill: Clause by clause submission points

This clause-by-clause table must be read in conjunction with the changes requested in the body of the submission

A reference to 'see main submission' means there is additional information in the body of the submission in relation to this clause

Section number	Wording	Council comment
Part 1		
Amendments to Part 1 and 2		
	Title This Act is the Local Government (Auckland Council) (Transport Governance) Amendment Act 2025.	
	Commencement This Act comes into force on the day after Royal assent.	
	Principal Act This Act amends the Local Government (Auckland Council) Act 2009.	
	Section 4 amended (Interpretation) (1) In section 4(1), repeal the definition of Auckland Transport . (2) In section 4(1), definition of substantive council-controlled organisation , paragraph (b), replace "Auckland Transport" with "the transport CCO" (3) In section 4(1), insert in its appropriate alphabetical order: transport CCO means the entity continued by section 43	
	New section 4B inserted (Act binds the Crown) After section 4A, insert: 4B Act binds the Crown (1) Except as provided in subsection (2), this Act does not bind the Crown. (2) The following provisions of this Act bind the Crown: (a) subparts 1, 2, and 4 of Part 4; and (b) clauses 4 to 6 of Schedule 1AA.	

	<p>Section 7 amended (Decision-making of Council shared between governing body and local boards) In section 7(1)(b), after “sections 14 to 23”, insert “and 47A”.</p>	
	<p>Section 12 amended (Status of local boards) In section 12(4), replace “section 16” with “section 16 or 47A”.</p>	
	<p>Section 13 amended (Functions, duties, and powers of local boards) (1) In section 13(2)(d), delete “or Auckland Transport under section 54”. (2) After section 13(2)(d), insert: (da) must undertake any functions and responsibilities allocated to it under sections 47A to 47D; and (db) may exercise any of the powers allocated to it under sections 47A to 47D; and (3) In section 13(2)(f), delete “or Auckland Transport under section 54”.</p>	
	<p>Section 14 amended (General scheme) (1) In section 14(1), replace “This section sets” with “Subsections (1) to (4) set”. (2) After section 14(3), insert: (5) See also section 47A, which sets out the division of powers, functions, and responsibilities between the governing body and local boards regarding transport matters specifically dealt with in subpart 4 of Part 4.</p>	
	<p>Section 15 amended (Decision-making responsibilities of governing body) In section 15(1)(b)(i), after “infrastructure”, insert “(subject to sections 47A to 47D)”.</p>	<p>If the approach is retained of prescribing the allocation of powers in statute (which council opposes), then section 15(1)(a) should also be amended to make clear that Governing Body’s responsibility for regulatory decision-making is subject to ss 47A – 47D.</p> <p>Similarly, s 15(1)(b)(ii) should also be amended to make clear that Governing Body’s decision-making responsibility for “any non-regulatory activities of the Auckland Council” is subject to ss 47A – 47D.</p>
	<p>Section 16 amended (Decision-making responsibilities of local boards) In section 16(1)(c), replace “section 24” with “section 150B of the Local Government Act 2002”.</p>	<p>If the approach is retained of prescribing the allocation of powers in statute (which council opposes), then section 16(1) should also be amended to reference local boards’ new transport powers conferred by ss 47A – 47D.</p>

Part 2**Amendments to Part 4**

	<p>Section 37 amended (Interpretation)</p> <p>(1) In section 37(1), insert in their appropriate alphabetical order:</p> <p>arterial road means a road that is classified as an arterial road under section 48(2)(a)</p> <p>Auckland Regional Transport Committee or ARTC means the Auckland Regional Transport Committee established by section 38</p> <p>Auckland Roding Classification Framework or Roding Framework means the framework set out in section 48</p> <p>city centre road means a road that is classified as a city centre road under section 48(2)(d)</p> <p>collector road means a road that is classified as a collector road under section 48(2)(c)</p> <p>fees framework means the fees framework as defined in section 10(1) of the Crown Entities Act 2004</p> <p>local road means a road that is classified as a local road under section 48(2)(b)</p> <p>natural person act has the meaning set out in section 24 of the Crown Entities Act 2004</p> <p>permanent advisors means the persons made the permanent advisors to the ARTC by section 41A</p> <p>Secretary has the meaning set out in section 5(1) of the Land Transport Management Act 2003</p> <p>(2) In section 37(1), repeal the definitions of Auckland transport system, Director of Land Transport, and New Zealand Railways Corporation.</p> <p>(3) In section 37(1), definition of director, replace “Auckland Transport” with “the transport CCO”.</p>	
	<p>Sections 38 to 56 and cross-headings repealed</p> <p>Repeal sections 38 to 56 and the cross-headings above sections 38, 43, 45, 49, and 53.</p>	
	<p>New subparts 1 to 4 of Part 4 inserted</p> <p>After section 37, insert:</p>	

	Subpart 1—Auckland Regional Transport Committee <i>Functions and membership of ARTC</i>	
	38 Auckland Regional Transport Committee (1) This section establishes the Auckland Regional Transport Committee. (2) The purpose of the ARTC is to develop and maintain a long-term strategic direction for land transport in Auckland that is shared by Auckland Council and the Government, so that there will be— (a) streamlined and co-ordinated planning; and (b) optimisation of the Crown’s and Auckland Council’s resources; and (c) transparent transport decision making.	
	38A Functions of ARTC The functions of the ARTC are to— (a) prepare the 30-year transport plan under section 42 ; and (b) monitor the delivery of the 30-year transport plan; and (c) consult on and prepare the regional land transport plan for Auckland in accordance with the Land Transport Management Act 2003; and (d) undertake any other strategic transport functions that the Auckland Council may delegate to it under section 38B ; and (e) undertake any other strategic transport functions prescribed by regulations made under section 38C .	<p>The Bill should make clear that the ARTC also has the function of preparing variations to the RLTP, with corresponding consultation obligations, and that council has the power to approve any variations.</p> <p>For clarity, this list should include reference to the requirement under s 106(2) of the LTMA to adopt a significance policy. It is not immediately clear whether this is intended to fall within scope of the s 38A(c) requirement to prepare the RLTP “in accordance with” the LTMA.</p> <p>The purpose of the significance policy should also be broadened to include determination of significance of matters relating to the performance of the ARTC’s functions, under s 41A.</p>
	38B Delegation to ARTC (1) Auckland Council may delegate to the ARTC any of its strategic responsibilities, duties, functions, or powers that relate to land transport in Auckland. (2) Before delegating a responsibility, duty, function, or power under subsection (1) , Auckland Council must consult the Minister of Transport. (3) A delegation does not prevent Auckland Council from performing any responsibility, duty, or function, or exercising any power, or affect Auckland Council’s responsibility for the actions of the ARTC under the delegation.	
	38C Regulations prescribing ARTC functions	On its face, this power would allow an Order In Council to prescribe transport functions of the ARTC that otherwise sit with other entities,

	<p>(1) The Governor-General may, by Order in Council, in accordance with a recommendation of the Minister of Transport, make regulations that prescribe transport functions that the ARTC must perform (in addition to the functions set out in section 38A).</p> <p>(2) Before making a recommendation under subsection (1), the Minister of Transport must consult the mayor.</p> <p>(3) Regulations made under this section are secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements).</p>	<p>such as the council, or Waka Kotahi. It is not clear whether this would mean that this entity can no longer exercise that function.</p> <p>The Bill should provide clarification on these points.</p>
	<p>38D Membership of ARTC</p> <p>The ARTC comprises the following members:</p> <ul style="list-style-type: none"> (a) a chairperson: (b) up to 3 members appointed by the Minister of Transport: (c) up to 3 members appointed by the mayor (who must be members of the governing body and may include the mayor): (d) 1 non-voting member appointed by and to represent the New Zealand Transport Agency (who must hold an identified office or position within the New Zealand Transport Agency): (e) 1 non-voting member appointed by and to represent KiwiRail Holdings Limited (who must hold an identified office or position within KiwiRail Holdings Limited): (f) 1 non-voting member appointed by and to represent the transport CCO 15 (who must hold an identified office or position within the transport CCO). 	<p>The explanatory note to the Bill references the ARTC having an “independent chair”. Section 38D(a) of the Bill should be amended to include express reference to “an independent chairperson”.</p>
	<p>38E Appointment of chairperson</p> <p>(1) The chairperson of the ARTC is jointly appointed by—</p> <ul style="list-style-type: none"> (a) the mayor (who must have consulted the governing body); and (b) the Minister of Transport. <p>(2) When appointing the chairperson, sections 28 to 31 of the Crown Entities Act 2004 apply—</p> <ul style="list-style-type: none"> (a) as if a reference to the responsible Minister were a reference to the Minister and the mayor; and (b) with any necessary modifications. <p>(3) Despite subsection (2),—</p>	

	<ul style="list-style-type: none"> (a) the Minister must comply with section 28(4) of that Act; (b) section 31(2) of that Act does not apply. 	
	<p>38F Appointment of members by Minister of Transport or mayor</p> <p>(1) When appointing the members referred to in section 38D(b), sections 28 to 31 of the Crown Entities Act 2004 apply—</p> <ul style="list-style-type: none"> (a) as if a reference to the responsible Minister were a reference to the Minister of Transport; and (b) with any necessary modifications. <p>(2) Despite subsection (1), section 31(2) of that Act does not apply.</p> <p>(3) Before the mayor appoints the members referred to in section 38D(c), the mayor must have consulted the governing body.</p>	
	<p>38G Term of office of members</p> <p>(1) A member of the ARTC holds office for 3 years or for any shorter period stated in the notice of appointment.</p> <p>(2) A member may be reappointed.</p> <p>(3) This section is subject to sections 39 to 39B.</p>	<p>The reference in s 38G(1) to “the notice of appointment” refers to the notice of appointment under s 28 of Crown Entities Act, which will apply in relation to Ministerial appointments under s 38D(b) but not Mayoral appointments. The Bill should clarify what “the notice of appointment” is intended to be in the case of Mayoral appointments, or otherwise use different terminology.</p>
	<i>Resignation, removal, vacation of office, remuneration, etc, of members</i>	
	<p>39 Resignation of members</p> <p>(1) A member of the ARTC referred to in section 38D(a), (b), or (c) may resign from office by written notice to the mayor and the Minister of Transport (with a copy to the ARTC) signed by the member.</p> <p>(2) A resignation under subsection (1) is effective on receipt of the notice by both the mayor and the Minister, or at any later time specified in the notice.</p> <p>(3) A member referred to in section 38D(d), (e), or (f) may resign from office by giving notice to their appointing organisation in any manner required by the organisation, if any.</p> <p>(4) If a member resigns under subsection (3),—</p> <ul style="list-style-type: none"> (a) the appointing organisation must advise the chairperson; and (b) the chairperson must advise the Minister and the mayor. 	
	<p>39A Removal of members</p> <p>(1) The mayor and the Minister of Transport may, jointly, at any time and entirely at their discretion, remove the chairperson of the ARTC from office.</p>	<p>Section 39A(4)(c) provides that the person (Minister or Mayor) removing an ARTC member from office must “notify the removal in the Gazette as soon as practicable after giving the notice”. This requirement should not</p>

	<p>(2) The Minister of Transport may, at any time and entirely at the Minister's discretion, remove a member referred to in section 38D(b) from office.</p> <p>(3) The mayor may, at any time and entirely at the mayor's discretion, remove a member referred to in section 38D(c) from office.</p> <p>(4) The following requirements apply to the removal of a member under subsection (1), (2), or (3):</p> <ul style="list-style-type: none"> (a) the removal must be made by written notice to the member (with a copy to the ARTC): (b) the notice must state the date on which the removal takes effect, which must not be earlier than the date on which the notice is received: (c) the person removing the member must notify the removal in the <i>Gazette</i> as soon as practicable after giving the notice. <p>(5) A member referred to in section 38D(d), (e), or (f) may be removed from office by their appointing organisation, and—</p> <ul style="list-style-type: none"> (a) the appointing organisation must advise the chairperson; and (b) the chairperson must advise the Minister and the mayor. 	<p>apply to the removal of Mayoral appointees by the Mayor, as there is no requirement for the Mayor to Gazette their initial appointment (in contrast to Ministerial appointees).</p>
	<p>39B Vacation of office</p> <p>(1) If a member of the ARTC becomes a member of Parliament, the member's appointment to the ARTC ends.</p> <p>(2) If a member referred to in section 38D(c) ceases to be a member of the governing body (for example, because of the operation of clause 1 of Schedule 7 of the Local Government Act 2002), the member's appointment to the ARTC ends.</p>	
	<p>39C Vacancies</p> <p>(1) Subsection (2) applies if—</p> <ul style="list-style-type: none"> (a) a member's term of office expires: (b) a member resigns: (c) member is removed: (d) a member's appointment to the ARTC ends under section 39B. <p>(2) If this subsection applies, a vacancy exists in the ARTC until the member is reappointed or replaced.</p> <p>(3) A vacancy in the ARTC does not affect the validity of any act or proceeding of the ARTC or of a subcommittee of the ARTC.</p>	

	<p>39D No compensation for loss of office</p> <p>A member of the ARTC is not entitled to any compensation or other payment or benefit relating to their ceasing, for any reason, to hold office as a member.</p>	
	<p>39E Remuneration of members</p> <p>(1) The chairperson of the ARTC is entitled to receive remuneration not within section 39F for services as the chairperson at a rate and of a kind jointly determined by the mayor and the Minister of Transport in accordance with the fees framework.</p> <p>(2) The chairperson's remuneration must be paid by the Crown and Auckland Council in equal shares.</p> <p>(3) The members referred to in section 38D(b) are entitled to receive from the Crown remuneration not within section 39F for services as members at a rate and of a kind determined by the Minister of Transport in accordance with the fees framework.</p> <p>(4) The members referred to in section 38D(c) are entitled to receive from Auckland Council remuneration not within section 39F for services as members at a rate and of a kind determined by the Remuneration Authority in accordance with the Remuneration Authority Act 1977.</p> <p>(5) A member appointed under section 38D(d), (e), or (f) is not entitled to any remuneration for services as a member of the ARTC in addition to their remuneration in respect of that office or position.</p>	
	<p>39F Expenses of members</p> <p>(1) The chairperson of the ARTC is entitled, in accordance with the fees framework, to be reimbursed for their actual and reasonable travelling and other expenses incurred in carrying out their office as the chairperson.</p> <p>(2) The chairperson's expenses must be paid by the Crown and Auckland Council in equal shares.</p> <p>(3) The members referred to in section 38D(b) are entitled, in accordance with the fees framework, to be reimbursed by the Crown for actual and reasonable travelling and other expenses incurred in carrying out their office as a member.</p>	

	(4) The members referred to in section 38D(c) are entitled, in accordance with the Fees and Travelling Allowances Act 1951, to be reimbursed by Auckland Council for travelling and other expenses incurred in carrying out their office as a member, and the provisions of that Act apply accordingly.	
	<i>Duties of members, conflicts of interest, and validity of appointments and acts</i>	
	<p>40 General duties of members</p> <p>A member of the ARTC must—</p> <ul style="list-style-type: none"> (a) not contravene, or cause the contravention of, or agree to the ARTC contravening, this Act or any other enactment: (b) when acting as a member, act with honesty and integrity: (c) when acting as a member, act in good faith and not pursue their own interests at the expense of the performance of the ARTC's functions: (d) when acting as a member, exercise the care, diligence, and skill that a reasonable person would exercise in the same circumstances, taking into account (without limitation)— <ul style="list-style-type: none"> (i) the nature of the action; and (ii) the nature of the responsibilities undertaken by the member. 	
	<p>40A Conflicts of interest</p> <p>Schedule 3 applies to the ARTC.</p>	
	<p>40B Validity of appointments</p> <ul style="list-style-type: none"> (1) The appointment of a person as a member or chairperson of the ARTC is not invalid only because a defect existed in the appointment of the person. (2) This section does not apply to— <ul style="list-style-type: none"> (a) a defect in the qualifications for appointment of a member or chairperson (for example, because they were disqualified under section 30 of the Crown Entities Act 2004 as applied by section 38F); or (b) a member referred to in section 38D(c) who was not a member of the governing body. 	
	<p>40C Validity of members' acts</p> <p>The acts of a person as a member or chairperson of the ARTC are valid even though—</p> <ul style="list-style-type: none"> (a) a defect existed in the appointment of the person; or 	

	<p>(b) the person is or was disqualified from being a member (for example, because they are or were disqualified under section 30 of the Crown Entities Act 2004 as applied by section 38F); or</p> <p>(c) the member's appointment to the ARTC has ended (for example, because of the operation of section 39B).</p>	
	<i>Meetings, decision making, and reporting</i>	
	<p>41 Meetings of ARTC</p> <p>(1) The ARTC must hold the meetings that are necessary for it to undertake its functions and, at a minimum, must meet once every 3 months.</p> <p>(2) The ARTC may, in its discretion, hold a meeting in private or in public.</p> <p>(3) If a meeting is held in public, the ARTC must allow a reasonable opportunity for members of the public to speak or otherwise put forward their views.</p>	
	<p>41A Permanent advisors</p> <p>(1) The Council's chief executive and the Secretary are the permanent advisors to the ARTC.</p> <p>(2) The permanent advisors are not members of the ARTC.</p> <p>(3) The ARTC must seek and consider advice from the permanent advisors on all significant matters relating to the performance of its functions.</p> <p>(4) This section does not prevent the ARTC from seeking advice from any other person.</p>	Section 41A(3) refers to "significant matters". The purpose of the "significance policy" in s 106 of the LTMA should be expanded to include determination of significance for these purposes.
	<p>41B Voting at meetings</p> <p>(1) Each member appointed under section 38D(a), (b), or (c) has 1 vote.</p> <p>(2) In addition to a general vote, the chairperson has, in the case of an equality of votes, a casting vote.</p> <p>(3) A resolution of the ARTC is passed if it is agreed to by all members who are entitled to vote and who are present, or if a majority of the votes cast on it are in favour of it.</p> <p>(4) A member who is entitled to vote and who is present at a meeting of the ARTC is presumed to have agreed to, and to have voted in favour of, a resolution unless they expressly dissented from or voted against the resolution at the meeting.</p>	
	<p>41C Subcommittees</p> <p>(1) The ARTC may appoint any subcommittees that it considers appropriate.</p>	

	<p>(2) A subcommittee is subject to the control of the ARTC and must carry out all general and special directions given to it by the ARTC.</p> <p>(3) At least 1 member of a subcommittee must be a member of the ARTC.</p> <p>(4) The ARTC may appoint to a subcommittee a person who is not a member of the ARTC if, in the opinion of the ARTC, that person has the skills, attributes, or knowledge that will assist the work of the subcommittee.</p> <p>(5) The ARTC may discharge or reconstitute a subcommittee at any time.</p>	
	<p>41D Standing orders</p> <p>(1) The ARTC must adopt a set of standing orders for the conduct of its meetings and those of its subcommittees.</p> <p>(2) The standing orders must not contravene this Act.</p> <p>(3) The ARTC or subcommittee may temporarily suspend standing orders during a meeting, and the reason for the suspension must be stated in the resolution of suspension.</p> <p>(4) The adoption, suspension, amendment, or replacement of the standing orders requires a vote of not less than 75% of the members present.</p>	
	<p>41E Minutes of proceedings</p> <p>(1) The ARTC must keep minutes of its decisions.</p> <p>(2) Minutes of decisions are prima facie evidence of those decisions.</p> <p>(3) Minutes must be made available to the public in any manner and format that the ARTC considers appropriate.</p> <p>(4) The ARTC may, when complying with subsection (3), withhold any information contained in the minutes if there is good reason for withholding the information under section 5 of the Official Information Act 1982.</p>	For the avoidance of doubt, the Bill should make it clear that information held by the ARTC (including information relating to the ARTC held by its permanent advisors) is subject to the Official Information Act 1982, and not the Local Government Official Information and Meetings Act 1987.
	<p>41F Reporting</p> <p>The ARTC must give regular reports to the Minister of Transport and the mayor on its activities.</p>	
	Subpart 2—30-year transport plan for Auckland	
	<p>42 30-year transport plan for Auckland</p> <p>(1) The ARTC must prepare and complete a 30-year transport plan for Auckland.</p> <p>(2) The purpose of a plan is to provide direction for the development of land transport in Auckland for the following 30 years that—</p> <p>(a) aligns the priorities of the Government and Auckland Council; and</p>	<p>See main submission.</p> <p>Further, in section 42(1), suggest replacing the words “prepare and complete” with “prepare for adoption by Auckland Council and the Minister”.</p>

	<ul style="list-style-type: none"> (b) sets the strategic direction for the planning and funding of, and the investment in, land transport in Auckland. (3) A plan must promote the following objectives: <ul style="list-style-type: none"> (a) productivity and economic growth; (b) the safe and rapid movement of people and goods; (c) efficient asset management. (4) A plan is effective after it has been approved by— <ul style="list-style-type: none"> (a) the Minister of Transport; and (b) Auckland Council. (5) Without limiting section 42G, Auckland Council must take the 30-year transport plan for Auckland into account when preparing any relevant plans or policies. 	
	<p>42A Publication of plan</p> <p>After a plan has been approved under section 42(4), it must be made available to the public in any manner and format that the ARTC considers appropriate to the preferences and needs of the persons who will or may be affected by, or have an interest in, the plan.</p>	
	<p>42B Preparation of plan</p> <ul style="list-style-type: none"> (1) When preparing a 30-year transport plan for Auckland, the ARTC must— <ul style="list-style-type: none"> (a) seek direction from the Minister of Transport and the mayor; and (b) establish and maintain processes to provide opportunities for Māori to contribute to the development and preparation of the plan. (2) When preparing a plan, the ARTC must take into account— <ul style="list-style-type: none"> (a) the GPS on land transport issued under section 66 of the Land Transport Management Act 2003; (b) government strategies and policies that have implications for transport and land use; (c) Auckland Council strategies and policies that have implications for transport and land use. (3) In subsection (2)(b), strategies and policies includes a national environmental standard, a national policy statement, or a national planning standard made under Part 5 of the Resource Management Act 1991. 	
	<p>42C Content of plan</p>	

	<p>A 30-year transport plan for Auckland must include—</p> <ul style="list-style-type: none"> (a) the long-term strategic direction for the transport system in Auckland: (b) the results that are intended to be achieved: (c) the policies and actions necessary to achieve the results: (d) how progress towards achieving the results will be measured: (e) detailed investment priorities for the first 10 years of the period covered by the plan: (f) general investment priorities for the entire period covered by the plan: (g) the likely sources of funding. 	
	<p>42D Consultation on plan</p> <ul style="list-style-type: none"> (1) The ARTC must undertake consultation in accordance with this section in relation to a 30-year transport plan for Auckland before the plan can be approved under section 42. (2) The ARTC must follow the following consultation process: <ul style="list-style-type: none"> (a) the proposed plan may be made available to the public in any manner and format that the ARTC considers appropriate to the preferences and needs of the persons who will or may be affected by, or have an interest in, the plan: (b) those persons should be encouraged to present their views to the ARTC: (c) those persons should be given clear information concerning the purpose of the consultation and the scope of the decisions to be taken following the consideration of views presented: (d) members of the public should be given a reasonable opportunity to present their views in a manner and format that is appropriate to the preferences and needs of the persons who will or may be affected by, or have an interest in, the plan: (e) the views presented should be received with an open mind and given due consideration, and the proposed plan should be amended if the ARTC considers it appropriate: (f) persons who presented their views should have access to a clear record or description of the decisions made by the ARTC and explanatory material relating to those decisions, which may include, for example, 	

	reports relating to the matter that were considered before the decisions were made. (3) The ARTC must, in addition to the consultation under subsection (2) , consult Māori in relation to the proposed plan.	
	42E Minor or technical amendments Sections 42B and 42D do not apply to minor or technical amendments to a 30-year transport plan for Auckland.	
	42F Review of plan (1) The ARTC must, within 6 years of the completion of a 30-year transport plan for Auckland under section 42 ,— (a) review the plan; and (b) complete a replacement plan. (2) If the Minister of Transport and the mayor think a plan should be reviewed and replaced at an earlier time than the time specified in subsection (1), they may jointly instruct the ARTC to comply with subsection (1) by the date specified in their instruction.	In section 42F(2), the Bill should expressly require a joint instruction from the Minister and mayor to be “in writing”.
	42G LTP must take plan into account When preparing the LTP, Auckland Council must take the 30-year transport plan for Auckland into account.	
	Subpart 3—Transport CCO for Auckland	
	<i>Status, purpose, etc, of transport CCO</i>	
	43 Transport CCO for Auckland continues (1) This section continues the transport council-controlled organisation for Auckland (the transport CCO) that was established by section 38 of this Act as in force immediately before the commencement of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2025. (2) The transport CCO is— (a) a body corporate with perpetual succession; and (b) a council-controlled organisation of the Auckland Council. (3) For the purposes of the Local Government Act 2002, Auckland Council must be treated as if it were the sole shareholder of the transport CCO.	See main submission. If the Bill continues to prescribe the transport CCO to be a statutory CCO (which the council opposes), then the Bill should be amended to provide that the transport CCO is a company under the Companies Act 1993. This would give the council, as shareholder, additional controls and levers in relation to the transport CCO (such as issuing binding shareholder directions, and having approval rights for major financial transactions).
	43A Purpose of transport CCO	The Bill should make it clear that it is open to the transport CCO to procure services rather than delivering them itself.

	<p>The purpose of the transport CCO is to provide public transport services in Auckland that connect communities in an efficient, effective, and safe manner, and perform any of its other functions, in accordance with—</p> <ul style="list-style-type: none"> (a) this Part; and (b) the objectives of the Auckland Council referred to in section 59(1)(a) of 30 the Local Government Act 2002. 	
	<p>43B Operating principles of transport CCO</p> <p>In meeting its principal objective (as a council-controlled organisation) under section 59 of the Local Government Act 2002, and in performing its functions, the transport CCO must—</p> <ul style="list-style-type: none"> (a) establish and maintain processes for Māori to contribute to its decision-making processes; and (b) operate in a financially responsible manner and, for this purpose, prudently manage its assets and liabilities and endeavour to ensure— <ul style="list-style-type: none"> (i) its long-term financial viability; and (ii) that it acts as a successful going concern; and (c) use its revenue efficiently, effectively, and in a manner that seeks value for money; and (d) ensure that its revenue and expenditure are accounted for in a transparent manner; and (e) ensure that it acts in a transparent manner in making decisions under this Act and the Land Transport Management Act 2003. 	
	<p>Guidance note</p> <p>The transport CCO is also subject to the requirements of a substantial council-controlled organisation set out in sections 90 to 96.</p>	
	<p>43C Status and powers of transport CCO</p> <p>(1) In fulfilling its purpose, the transport CCO has—</p> <ul style="list-style-type: none"> (a) full capacity to carry on or undertake any activity or business, do any act, or enter into any transaction; and (b) for the purposes of paragraph (a), full rights, powers, and privileges. <p>(2) Subsection (1) is subject to the rest of this Act.</p>	
	<p>43D Transport CCO's status as council-controlled organisation and application of Part 5 of Local Government Act 2002</p>	

<p>(1) For the purposes of section 43(2)(b), Part 5 of the Local Government Act 2002 applies to the transport CCO with the modifications set out in subsections (2) and (3).</p> <p>(2) The following provisions of Part 5 of the Local Government Act 2002 do not apply to the transport CCO:</p> <ul style="list-style-type: none"> (a) section 56: (b) sections 62 and 63: (c) sections 71A and 72. <p>(3) Section 60 of the Local Government Act 2002 must be read as if the following paragraphs were inserted after paragraph (b):</p> <ul style="list-style-type: none"> (a) the provisions of Part 4 of the Local Government (Auckland Council) Act 2009; and (b) any rules made by the Auckland Council under section 46A of the Local Government (Auckland Council) Act 2009. 	
<p><i>Functions, powers, etc, of transport CCO</i></p>	
<p>44 Functions of transport CCO</p> <p>(1) The primary function of the transport CCO is to provide public transport services within Auckland.</p> <p>(2) The transport CCO has the following additional functions:</p> <ul style="list-style-type: none"> (a) any other transport functions that the Auckland Council may lawfully direct it to perform or delegate to it under section 46: (b) without limiting paragraph (a), any transport functions expressly conferred on the Auckland Council by any enactment (for example, under a local Act) that the Council may lawfully direct it to perform or delegate to it: (c) any other functions that are given to it by this Act or any other enactment, or that are incidental and related to, or consequential upon, any of its functions under this Act or any other enactment. <p>(3) In this section, public transport service has the meaning given in section 5(1) of the Land Transport Management Act 2003.</p> <p>(4) Nothing in this section vests ownership of any road, land, or other property in the transport CCO or affects the operation of section 316(1) of the Local Government Act 1974.</p>	<p>See main submission.</p> <p>Further, in section 44(1), the word “primary” should be removed as it is unnecessary and introduces uncertainty as to its legal implications.</p> <p>Section 44(2) should include reference to transport-related functions delegated by a third party, for example Waka Kotahi. Clause 17 of Sch 1AA provides that existing Waka Kotahi delegations to AT continue in force, which suggests an intent that the transport CCO can exercise powers delegated by a third party. This should be express in section 44(2), particularly noting that this is currently expressly stated as one of AT’s statutory functions in s 46(f) of LGACA.</p> <p>The Bill should also clarify whether the council can also exercise the functions of the transport CCO (see s 50 of LGACA for reference). The way the Bill provides for this should take into account any implications for the power for council to determine the functional split between the council and the transport CCO, as recommended above.</p>

<p>44A Transport CCO may delegate certain powers, functions, etc</p> <p>(1) The transport CCO may delegate to any of its committees or employees any of its responsibilities, duties, functions, and powers (the specified actions) except—</p> <p>(a) the power to borrow money or purchase or dispose of any assets of the transport CCO; and</p> <p>(b) any duty to appoint a chief executive officer.</p> <p>(2) A delegation under this section—</p> <p>(a) must be in writing; and</p> <p>(b) may be subject to any restrictions or conditions.</p> <p>(3) The transport CCO's power to delegate to a committee or employee under sub- 30 section (1) includes the power to delegate anything precedent to the transport CCO's exercise or performance of a power or duty (after consultation with the committee or employee).</p> <p>(4) In respect of a committee or employee delegated a specified action under subsection (1), the committee or employee may subdelegate the specified action to a subcommittee or other person (as the case may be).</p> <p>(5) A subdelegation under this section—</p> <p>(a) must be in writing; and</p> <p>(b) is subject to any restrictions or conditions that the transport CCO imposes in the delegation under subsection (1) to which the subdelegation relates.</p> <p>(6) A person to whom any specified action is delegated or subdelegated may exercise or perform that specified action in the same manner, subject to the same restrictions, and with the same effect as if the specified action had been directly conferred on them by this Act and not by delegation or subdelegation.</p> <p>(7) A delegation or subdelegation does not affect the transport CCO's liability or legal responsibility to perform, or to ensure the performance of, any function or duty.</p> <p>(8) This section—</p> <p>(a) is subject to any provision to the contrary in this, or any other, Act; and</p>	<p>The transport CCO should also have the power to delegate to a third party (potentially “any person”), enabling it, for example, to delegate to the council or Waka Kotahi.</p>
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	(b) does not exclude the provision of any power of delegation that the transport CCO has under any other enactment.	
	<p>44B Transport CCO's jurisdiction in respect of roads defined more widely than in Local Government Act 1974</p> <p>Nothing in this Part confers jurisdiction on the transport CCO in respect of roads within the meaning of section 2(1) of the Land Transport Act 1998 that are not roads within the meaning of section 315 of the Local Government Act 1974.</p>	<p>It is not clear what this section is seeking to achieve, or why the transport CCO would have jurisdiction in respect of roads under either the LGA 74 or LTA definition?</p> <p>This section appears to mirror the current s 46 of LGACA, which makes sense in the context of AT having statutory powers to manage and control the Auckland Transport System (with all other “roads”, as defined in the LTA, sitting with council) – but not under the new arrangement proposed in the Bill.</p>
	<i>Governing body of transport CCO</i>	
	<p>45 Governing body of transport CCO</p> <p>(1) The governing body of the transport CCO is the board of directors.</p> <p>(2) The board of directors comprises no fewer than 3 and no more than 5 directors.</p> <p>(3) The board, including its chairperson and deputy chairperson, must be appointed by the Auckland Council.</p> <p>(4) However, the Auckland Council must not appoint a person as a director if that person is—</p> <p>(a) a member of the governing body of Auckland Council; or</p> <p>(b) a member of a local board; or</p> <p>(c) an employee or board member of the New Zealand Transport Agency; or</p> <p>(d) an employee or director of KiwiRail Holdings Limited.</p> <p>(5) The powers and functions of the transport CCO are not affected by any vacancy in the membership of the board of directors.</p>	
	<p>45A Duties of transport CCO governing body directors</p> <p>(1) A director must not—</p> <p>(a) breach, or cause a breach of, this Act; or</p> <p>(b) agree to any breach of this Act by the transport CCO.</p> <p>(2) When acting as a director, a director must—</p> <p>(a) act with honesty and integrity; and</p>	

	<ul style="list-style-type: none"> (b) act in good faith and not pursue their own interests at the expense of the interests of the transport CCO; and (c) exercise the care, diligence, and skill that a reasonable person would exercise in the same circumstances, taking into account (without limitation)— <ul style="list-style-type: none"> (i) the nature of the transport CCO; and (ii) the nature of the action; and (iii) the position of the director and the nature of the responsibilities undertaken by the director. 	
	<p>45B Validity of office holders' acts</p> <p>The acts of a person as a director, chairperson, or deputy chairperson of the transport CCO are not invalidated by—</p> <ul style="list-style-type: none"> (a) a defect in the appointment of the person; or (b) the fact that the occasion for the person's acts had not arisen or had ended. 	
	Subpart 4—Provisions relating to Auckland Council	
	<i>Auckland Council's relationship with transport CCO</i>	
	<p>46 Council may delegate certain powers, functions, etc</p> <p>(1) The Auckland Council may delegate any of its responsibilities, duties, functions, and powers (the specified actions) to the transport CCO if—</p> <ul style="list-style-type: none"> (a) the Council is satisfied that it is appropriate for the transport CCO to exercise or perform the specified action; and (b) the Minister of Transport approves the proposed delegation. <p>(2) However,—</p> <ul style="list-style-type: none"> (a) the Auckland Council must not delegate the power to delegate under this section to the transport CCO; and (b) despite anything to the contrary in any enactment, the Auckland Council must not delegate a specified action to the transport CCO except in accordance with this section. <p>(3) A delegation under this section—</p> <ul style="list-style-type: none"> (a) must be in writing; and (b) may be subject to any restrictions or conditions. 	<p>See main submission.</p> <p>Further, if the approach is retained of prescribing the allocation of powers in statute (which council opposes), then the Bill should make clear that the power in section 46(1) can be exercised by both Governing Body and local boards.</p> <p>The Bill should also make clear that council (both Governing Body and local boards) can delegate transport-related powers, functions, etc, to third parties other than the transport CCO.</p>

	<p>(4) In respect of a delegation of a specified action under subsection (1), the transport CCO may subdelegate that specified action to an employee of the transport CCO.</p> <p>(5) A subdelegation under this section—</p> <ul style="list-style-type: none"> (a) must be in writing; and (b) is subject to any restrictions or conditions that the Auckland Council imposes in the delegation under subsection (1) to which the subdelegation relates. <p>(6) Subject to any restriction or condition specified in a delegation or subdelegation under this section, the transport CCO or subdelegate (as the case may be) may exercise or perform the specified action to which the delegation or subdelegation relates in the same manner, subject to the same restrictions, and with the same effect as if the specified action had been directly conferred on them by this Act and not by delegation or subdelegation.</p> <p>(7) A delegation or subdelegation under this section does not—</p> <ul style="list-style-type: none"> (a) affect or prevent the Auckland Council from performing or exercising the specified action that is delegated; and (b) affect the Auckland Council's liability or legal responsibility to perform or exercise, or to ensure the performance or exercise of, any specified action. 	
	<p>46A Council may make operating rules for transport CCO</p> <p>(1) The Auckland Council may make rules by which the transport CCO must operate, including rules in relation to—</p> <ul style="list-style-type: none"> (a) how the governing body of the transport CCO must operate: (b) how the transport CCO must appoint and employ staff (including its chief executive): (c) how the transport CCO must acquire and dispose of significant assets: (d) how the transport CCO must procure goods and services to fulfil its functions. <p>(2) A rule made under this section must not be inconsistent with the rest of this Act or with Part 5 of the Local Government Act 2002.</p>	

	(3) Section 6(3)(d) of the Local Government Act 2002 applies to a rule made under this section.	
	46B Restriction on borrowing The transport CCO must not borrow any funds without the written agreement of the Auckland Council.	
	<i>Division of responsibilities within Auckland Council as road controlling authority</i>	
	47 Auckland Council is road controlling authority (1) The Auckland Council is the road controlling authority (as defined in section 2(1) of the Land Transport Act 1998) in relation to the roads within Auckland. (2) See sections 47A to 47D for the division of responsibilities between the governing body and local boards in respect of the powers, functions, and responsibilities of the Auckland Council as a road controlling authority.	
	47A Division of responsibilities between governing body and local boards in respect of transport matters (1) This section sets out the division of transport powers, functions, and responsibilities between the governing body and local boards. (2) The transport powers, functions, and responsibilities of the Auckland Council may only be exercised and performed by the governing body, except— (a) the powers, functions, and responsibilities allocated to local boards as set out in section 47C; and (b) the powers in relation to bylaws for the purposes of section 22AB of the Land Transport Act 1998 must be exercised in accordance with section 47D. (3) If sections 47A to 47D are inconsistent with Part 2, then sections 47A to 47D (as the case may be) prevail.	See main submission. If the approach is retained of prescribing the allocation of powers in statute (which council opposes), then: <ul style="list-style-type: none"> section 47A(2) should be amended to clarify that this does not prevent the Governing Body from delegating the performance of its powers, functions and responsibilities (e.g. to council staff). For example, section 47A(2) could be amended to reflect wording currently used in s 15 of LGACA for Governing Body's decision-making responsibilities: <i>"The governing body is responsible and democratically accountable for the transport powers, functions, and responsibilities of the Auckland Council, except ..."</i>; and the Bill should make clear, for the avoidance of doubt, that section 47A(2) overrides the requirements in section 17 of LGACA (i.e. that Governing Body must allocate non-regulatory transport-related decision-making responsibility between itself and local boards).
	47B Governing body and local boards must consider certain matters when exercising powers, etc	See main submission.

	<p>In exercising or performing the powers, functions, and responsibilities specified in sections 47A to 47D, the governing body or local board (as the case may be) must be satisfied that doing so would not unreasonably interrupt—</p> <ul style="list-style-type: none"> (a) the transport of freight through the affected area; and (b) frequently running public transport networks in the affected area. 	
	<p>47C Powers of local boards in respect of transport matters</p> <ul style="list-style-type: none"> (1) A local board has the powers, functions, and responsibilities as specified in Schedule 4 in relation to local roads and collector roads within its local board area. (2) Unless this section specifies otherwise, a local board exercising or performing a power, function, or responsibility under this section may do so in the same manner, subject to the same restrictions and requirements, and with the same effect as if the power, function, or responsibility were directly conferred on it by the relevant provision. (3) In exercising the powers, performing the functions, and carrying out the responsibilities described in this section, a local board must collaborate and cooperate with 1 or more other local boards in the situations where the interests and preferences of communities within each local board area will be better served by doing so. (4) The Governor-General may, by Order in Council, do any of the following on the recommendation of the Minister of Transport: <ul style="list-style-type: none"> (a) insert a power, function, or responsibility into Schedule 4; (b) amend or revoke a power, function, or responsibility set out in Schedule 4. (5) The Minister of Transport must not make a recommendation for the purposes of subsection (4) unless the recommendation is with the concurrence of the Auckland Council. (6) An order under subsection (4) is secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements). 	<p>See main submission.</p> <p>If the approach is retained of prescribing the allocation of powers in statute (which council opposes), then the Bill should include, in section 46C(3), a requirement for local boards to consider regional impacts and/or impacts on the arterial network when exercising their allocated transport-related decision-making responsibilities.</p> <p>In section 47C(5), suggest replacing “concurrence” with “agreement” or “approval”.</p>
	<p>47D Division of responsibility in relation to bylaws under section 22AB of Land Transport Act 1998</p>	<p>See main submission.</p>

<p>(1) This section applies to the Auckland Council for the purposes of making a bylaw under section 22AB of the Land Transport Act 1998.</p> <p>(2) For the Auckland Council to make a bylaw, the governing body and each local board must agree to the making of the bylaw.</p> <p>(3) However, despite subsection (2), the Auckland Council may make a bylaw if—</p> <ul style="list-style-type: none"> (a) the governing body and a majority of local boards agree to it; and (b) the governing body considers that the local boards that have not agreed to it have unreasonably withheld their agreement. <p>(4) In respect of the making of a bylaw under subsection (2) or (3), a local board must notify the governing body, in writing, of whether the local board agrees to the making of the bylaw within a reasonable time specified by the governing body.</p> <p>(5) Under subsection (3), the governing body may consider that a local board has unreasonably withheld its agreement if (without limitation) the local board's position is—</p> <ul style="list-style-type: none"> (a) inconsistent with the division of responsibilities between the governing body and local boards as set out in sections 47A to 47D; or (b) accommodated by its power to make resolutions under the bylaw in accordance with subsection (6). <p>(6) For the purposes of section 22AB(3) of the Land Transport Act 1998, a reference to a road controlling authority is to be read as follows:</p> <ul style="list-style-type: none"> (a) in respect of a bylaw under any of the following provisions of the Land Transport Act 1998, as if it were a reference to a local board in relation to local roads and collector roads within its local board area: <ul style="list-style-type: none"> (i) section 22AB(1)(e) to (h): (ii) section 22AB(1)(m) and (n): 5 (iii) section 22AB(1)(o), to the extent that it provides for the making of resolutions in relation to the use of parking places for the purposes set out in section 22AB(1)(o)(ii), (iii)(A), (iv), and (v): (iv) section 22AB(1)(q) to (v): (v) section 22AB(1)(zc): 10 (vi) section 22AB(1)(zi): (b) in any other case, as if it were a reference to the governing body. 	<p>If the proposed approach to the division of responsibility in relation to bylaws is retained, including the requirement for all local boards to agree to the making of a bylaw (which council opposes), the Bill should further clarify was “unreasonably withheld” means. For example, if a local board does not make a decision either way on whether to agree to a bylaw, would that constitute “unreasonably withholding” their agreement?</p>
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	<i>Miscellaneous provisions</i>	
	<p>48 Council must develop Auckland Roding Classification Framework</p> <p>(1) The Auckland Council must develop, approve, and maintain the Auckland Roding Classification Framework (the Roding Framework).</p> <p>(2) The Roding Framework must classify a road, other than a State highway, within Auckland as—</p> <p>(a) an arterial road, being a road that—</p> <ul style="list-style-type: none"> (i) is intended to predominantly carry through traffic; or (ii) carries traffic between town centres within Auckland; or (iii) is used to carry freight to and from State highways; or (iv) carries a significant volume of passenger transport and includes special vehicle lanes (as defined in clause 1.6 of the Land Transport (Road User) Rule 2004); or <p>(b) a local road, being a road that collects and distributes traffic to and from properties within a specific area; or</p> <p>(c) a collector road, being a road that distributes traffic between local roads and arterial roads; or</p> <p>(d) a city centre road, being a road that is within the Auckland city centre (see subsection (3)).</p> <p>(3) In addition to classifying roads under subsection (2), the Roding Framework must also specify the area that is the Auckland city centre.</p> <p>(4) Before the Auckland Council approves or varies the Roding Framework,—</p> <ul style="list-style-type: none"> (a) the Auckland Council must consult the transport CCO on the Roding Framework or variation to it (as the case may be); and (b) the Minister of Transport must approve the Roding Framework or variation to it (as the case may be). <p>(5) The Roding Framework made under this section is secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements).</p>	See main submission.
	<p>48A Auckland Council's review of performance of transport functions, etc</p> <p>(1) The Auckland Council must,—</p> <ul style="list-style-type: none"> (a) 5 years after the date on which this subpart commences (the review date), review the following in respect of the performance of their powers, functions, and responsibilities under this Part: 	

	<ul style="list-style-type: none"> (i) the Auckland Council (including the governing body and local boards); (ii) the transport CCO; and (b) within 9 months after the review date, prepare a report on that review. <p>(2) Before completing the report, the Auckland Council must consult any person the Council considers appropriate.</p> <p>(3) As soon as practicable after the Auckland Council has completed the report,—</p> <ul style="list-style-type: none"> (a) the Council must present the report to the Minister of Transport; and (b) the Minister of Transport must present the report to the House of Representatives. 	
	<p>48B Council's jurisdiction in respect of roads defined more widely than in Local Government Act 1974</p> <p>Nothing in this Part limits or affects the Auckland Council's jurisdiction in respect of roads within the meaning of section 2(1) of the Land Transport Act 1998 that are not roads within the meaning of section 315 of the Local Government Act 1974.</p>	<p>It is not clear what the intended purpose of this section is, and we recommend it be removed. There is nothing in the Bill that would indicate that council does not have jurisdiction over these roads. This section appears to mirror the existing 52 of LGACA. In that context, the section makes sense because it makes clear that AT currently has statutory responsibility for roads within the Auckland Transport System, but Auckland Council has responsibility for "roads" that fall outside that.</p>
Part 3		
Amendments to Part 8 and other matters		
	<p>Section 91 amended (Council may impose additional accountability requirements on substantive council-controlled organisations)</p> <p>In section 91(2), replace "Auckland Transport" with "the transport CCO".</p>	
	<p>Section 93 amended (Councillors and local board members prohibited from appointment as directors of substantive council-controlled organisations)</p> <p>Replace section 93(2) with:</p> <p>(2) However, section 45(4) prevails in relation to an appointment of a director of the transport CCO.</p>	
	<p>Section 95 amended (Council may appoint chairperson and deputy chairperson of substantive council-controlled organisation)</p> <p>Replace section 95(2) with:</p>	

	(2) However, the Council must not appoint any of the persons specified in section 45(4)(a) to (d) as the chairperson or deputy chairperson of the transport CCO.	
	Section 100 amended (Development contributions for transport infrastructure) In section 100(1), replace “Auckland Transport” with “the transport CCO”.	
	Schedule 1AA amended In Schedule 1AA,— (a) insert the Part set out in Schedule 1 of this Act as the last Part; and (b) make all necessary consequential amendments. set out in clause 7(1); but	
	New Schedules 3 and 4 inserted After Schedule 2, insert the Schedules 3 and 4 set out in Schedule 2 of this Act.	
	Consequential amendments Amend the legislation specified in Schedule 3 as set out in that schedule.	
Schedule 1		
New Part 3 inserted into Schedule 1AA		
Part 3		
Provisions relating to Local Government (Auckland Council) (Transport Governance) Amendment Act 2025		
	3 Interpretation In this Part, unless the context otherwise requires,— additional powers and functions means the powers and functions of the transport CCO that are— (a) set out in clause 7(1); but (b) not functions or powers of the transport CCO under Part 4 of the new Act affected employee means an employee of Auckland Transport immediately before the commencement date amendment Act means the Local Government (Auckland Council) (Transport Governance) Amendment Act 2025 Auckland Transport bylaws means the following bylaws made by either or both Auckland Transport and the Auckland Council: (a) Activities in the Road Corridor Bylaw 2022:	

	<p>(b) Auckland Council and Auckland Transport Te Ture ā-Rohe mo nga Tohu 2022 / Signs Bylaw 2022:</p> <p>(c) Auckland Transport and Auckland Council Te Ture ā-Rohe mō te Whakamahinga me te Whakatūnga Waka 2025 Vehicle Use and Parking Bylaw 2025:</p> <p>(d) Auckland Transport Speed Limits Bylaw 2019</p> <p>commencement date means the date on which the amendment Act comes into force</p> <p>new Act means this Act as in force immediately on and after the commencement date</p> <p>old Act means this Act as in force immediately before the commencement date</p> <p>transition director means the person appointed under clause 11</p> <p>transition plan means the plan approved by the governing body of the Auckland Council under clause 12</p> <p>transitional period means the period beginning on the commencement date and ending on the earlier of the following:</p> <p>(a) the date that is 6 months after the commencement date:</p> <p>(b) the date on which the transport CCO has stopped performing or exercising all additional powers and functions in accordance with a direction made under clause 7(2).</p>	
	<i>Establishment of ARTC</i>	
	<p>4 Appointment of members</p> <p>The persons responsible for appointing the members of the ARTC in accordance with sections 38D to 38F must make those appointments within the period of 3 months after the commencement date</p>	See main submission.
	<p>5 Performance of functions during establishment</p> <p>(1) During the period between the commencement date and every person responsible for appointing the members of the ARTC making those appointments, the functions of the ARTC must be performed by the permanent advisors.</p> <p>(2) During the period referred to in subclause (1), a reference in the Land Transport Management Act 2003 to something that is done by or in relation</p>	See main submission.

	<p>to the ARTC must be read as a reference to something that is done by or in relation to the permanent advisors.</p> <p>(3) Subclauses (1) and (2) cease to have effect when either of the following events occurs:</p> <p>(a) every person responsible for appointing the members of the ARTC has made those appointments:</p> <p>(b) the period referred to in clause 4 expires.</p>	
	<i>First 30-year transport plan for Auckland</i>	
	<p>6 First 30-year transport plan for Auckland</p> <p>The ARTC must complete the first 30-year transport plan for Auckland on or before the date set by the Minister of Transport and the mayor.</p>	See main submission.
	<i>Functions and powers of transport CCO and Auckland Council during transitional period</i>	
	<p>7 Transport CCO has additional powers and functions during transitional period</p> <p>(1) For the transitional period, the transport CCO has the functions and powers of Auckland Transport under sections 45 and 46 of the old Act, except the functions and powers under the following provisions of the old Act:</p> <p>(a) section 45(a):</p> <p>(b) section 46(1)(g) to the extent that it relates to the power to make a bylaw under Part 3 of the Land Transport Act 1998 (see clause 13(4)):</p> <p>(c) section 46(1)(h) to the extent that it relates to the power to make a bylaw under subparts 1 and 2 of Part 8 of the Local Government Act 2002:</p> <p>(d) section 46(1)(i):</p> <p>(e) section 46(1)(j) to the extent it relates to the preparation of a regional public transport plan under sections 117 to 129 of the Land Transport Management Act 2003.</p> <p>(2) During the transitional period, in respect of an additional function or power,—</p> <p>(a) the Auckland Council may direct the transport CCO to stop performing that function or exercising that power; and</p> <p>(b) if Auckland Council makes that direction, this clause no longer applies to that function or power.</p>	<p>See main submission.</p> <p>Further, the Bill should make clear that the transport CCO continues to have powers under s 47 of LGACA during the transition period.</p>

	<p>(3) During the transitional period, the transport CCO must—</p> <ul style="list-style-type: none"> (a) co-operate with the transition director for the purposes of the development of the transition plan; and (b) for that purpose, disclose information to the transition director upon request as soon as practicable. <p>(4) To the extent that a function or power of the transport CCO under subclause (1) conflicts with those of the Auckland Council in Part 4 of the new Act, this Part prevails until a direction in respect of that function of power is made under subclause (2).</p>	
	<p>8 Transfer of requiring authority status from transport CCO to Auckland Council</p> <p>(1) On the transfer date, the Auckland Council is treated as the requiring authority in relation to any matter for which the transport CCO is the requiring authority immediately before the transfer date, for the purposes of Part 8 of the Resource Management Act 1991.</p> <p>(2) In this clause, transfer date means the date that is the earlier of the following:</p> <ul style="list-style-type: none"> (a) the date on which the Auckland Council directs the transport CCO, under clause 7(2), to stop performing its function under section 45(b)(ii) of the old Act; (b) the end of the transitional period. 	<p>See main submission.</p> <p>Further, clause 8 should be amended to provide for the transport CCO to remain as a requiring authority after the end of the transition period. This will preserve the Council's ability to transfer designations to the transport CCO as may be appropriate given the functional split between the council and the transport CCO that is to be determined.</p>
	<p>9 Interim governing body of transport CCO during transitional period</p> <p>(1) On or after the commencement date, the Auckland Council must—</p> <ul style="list-style-type: none"> (a) appoint 3 directors as the governing body of the transport CCO for the purposes of section 45 for the duration of the transitional period (the interim board); and (b) in respect of the governing body of Auckland Transport under section 43 of the old Act (the old board), notify directors of the old board immediately before the commencement date that the interim board has replaced the old board. <p>(2) During the transitional period, the interim board must—</p> <ul style="list-style-type: none"> (a) ensure that the transition from the old Act to the new Act is efficient and effective; and 	<p>See main submission.</p>

	<p>(b) ensure that the transport CCO performs its functions and exercises its powers in accordance with clause 7; and</p> <p>(c) comply with a direction by the Auckland Council under this Act, including under clause 7(2).</p> <p>(3) Before the end of the transitional period, the Auckland Council must appoint the members of the governing body of the transport CCO under section 45, including its chairperson and deputy chairperson, to replace the interim board, irrespective of whether the members to be appointed are members of the interim board.</p>	
	<p>10 Auckland Council must develop Auckland Roading Classification Framework</p> <p>The Auckland Council must develop the Auckland Roading Classification Framework under section 48 before the end of the transitional period.</p>	<p>See main submission.</p> <p>If the approach is retained of prescribing the allocation of powers in statute and requiring the Auckland Roading Classification Framework for those purposes (which council opposes), the Bill should make clear who has decision-making responsibility over which roads prior to the Minister approving the framework, and in the period between a new road coming into existence, and its approval by the Minister (if the intent is that Ministerial approval is required for each new road being included in the framework).</p>
	<i>Transition plan for Auckland Council and transport CCO</i>	
	<p>11 Auckland Council must appoint transition director</p> <p>On or as soon as practicable after the commencement date, the chief executive of the Auckland Council must appoint a person to prepare the transition plan (the transition director).</p>	
	<p>12 Transition director must develop transition plan</p> <p>(1) The transition director must prepare a transition plan that sets out—</p> <p>(a) the strategy for, and the timing of, the transition between the old Act and the new Act in relation to the respective functions of the Auckland Council and the transport CCO; and</p> <p>(b) the status of the roles of affected employees as determined by the transition director under clause 21(1); and</p>	<p>See below: Submissions on employment aspects of the Local Government (Auckland Council) (Transport Governance) Amendment Bill</p>

	<p>(c) the assets, rights, liabilities, contracts, entitlements, undertakings, and engagements of the transport CCO that will be subject to a deed of transfer under clause 20.</p> <p>(2) The transition plan must be approved by the governing body of the Auckland Council.</p>	
	<i>Saving and transition of Auckland Transport instruments and assets</i>	
	<p>13 Saving of Auckland Transport bylaws</p> <p>(1) On and after the commencement date, the Auckland Transport bylaws, and resolutions under those bylaws, continue in force and are treated as having been made by the Auckland Council.</p> <p>(2) However, before the end of the transitional period, the Auckland Council must, in accordance with clause 14,—</p> <p>(a) review all of the Auckland Transport bylaws; and</p> <p>(b) amend those bylaws.</p> <p>(3) Until the Auckland Transport bylaws are reviewed and amended under sub clause (2), in relation to the making of a resolution under section 22AB(3) of the Land Transport Act 1998,—</p> <p>(a) the Auckland Council must not make a resolution under an Auckland Transport bylaw; and</p> <p>(b) the transport CCO may make a resolution under an Auckland Transport bylaw as if it were a road controlling authority.</p> <p>(4) On and after the commencement date, the transport CCO must not—</p> <p>(a) make a bylaw under section 22AB of the Land Transport Act 1998; and</p> <p>(b) amend or revoke an Auckland Transport bylaw.</p> <p>(5) Until the Auckland Transport bylaws are reviewed and amended under subclause (2), any reference in the Auckland Transport bylaws to—</p> <p>(a) Auckland Transport is to be read as if it were a reference to the transport CCO; and</p> <p>(b) the Auckland transport system is to be read as if it had the meaning given to it in section 37(1) of the old Act.</p>	
	<p>14 Review of Auckland Transport bylaws</p> <p>(1) This clause applies to the review and amendment of an Auckland Transport bylaw under clause 13(2).</p>	See main submission.

<p>(2) The review and amendment of the Auckland Transport bylaw must be limited to giving effect to the division of responsibilities between the governing body and local boards as set out in sections 47 to 47D, in particular,—</p> <ul style="list-style-type: none"> (a) the status of the Auckland Council as the road controlling authority in Auckland (see section 47); and (b) the division of responsibilities in relation to bylaws under section 22AB of the Land Transport Act 1998 (see section 47D). <p>(3) The Auckland Council—</p> <ul style="list-style-type: none"> (a) must review and amend the Auckland Transport bylaw in accordance with section 47D(2) to (5) and any requirements of the legislation under which the bylaw was made; but (b) is not required to comply with the following if the Council is satisfied that the amendment of the bylaw is limited to giving effect to sections 47 to 47D: <ul style="list-style-type: none"> (i) the consultation requirements under section 22AD of the Land Transport Act 1998; (ii) the requirements under section 155(1) and (2) of the Local Government Act 2002. 	<p>Further, if the intent is that as part of the review of bylaws under clause 14(2)(b), council should amend the bylaw to expressly state which resolution-making powers sit with Governing Body and which with local boards, we recommend the Bill make this explicit. If the intent is that all LTA bylaws do this going forward (rather than just once during transition), the Bill should also make this clear.</p>
<p>15 Saving and transition of Auckland Transport operating rules</p> <p>(1) This clause applies to operating rules made under section 49 of the old Act that are in force immediately before the commencement date.</p> <p>(2) On and after the commencement date, the operating rules continue in effect and are treated as having been made under section 46A by the Auckland Council for the transport CCO.</p>	
<p>16 Saving and transition of policies and plans of Auckland Transport</p> <p>(1) This clause applies to a policy or plan made by Auckland Transport—</p> <ul style="list-style-type: none"> (a) that is transport-related; and (b) that is in force immediately before the commencement date; and (c) irrespective of whether it is required or authorised by an enactment. <p>(2) On and after the commencement date, a policy or plan continues in effect and is treated as having been made by the Auckland Council.</p> <p>(3) Before the end of the transitional period, the Auckland Council must—</p> <ul style="list-style-type: none"> (a) review the policy or plan; and 	<p>See main submission.</p>

	(b) retain, amend, or revoke the policy or plan.	
	<p>17 Transition of New Zealand Transport Agency delegations to Auckland Transport</p> <p>(1) This clause applies to a delegation that—</p> <p>(a) was made under an enactment to Auckland Transport by the New Zealand Transport Agency or the Director (as defined in section 5(1) of the Land Transport Management Act 2003); and</p> <p>(b) is in force immediately before the commencement date.</p> <p>(2) On and after the commencement date, the delegation continues in force until revoked.</p> <p>(3) Before the end of the transitional period, the New Zealand Transport Agency or the Director (as the case may be)—</p> <p>(a) must review the delegation; and</p> <p>(b) may amend or revoke the delegation.</p>	
	<p>18 Saving of delegations by Auckland Transport</p> <p>(1) This clause applies to a delegation made under section 54 of the old Act that is in force immediately before the commencement date.</p> <p>(2) If the delegation is to a committee or an employee of Auckland Transport, the delegation continues in effect and is treated as having been made to a committee or employee of the transport CCO, as the case may be, under section 44A.</p> <p>(3) If the delegation is to the Auckland Council or any other person not specified in subclause (2), the delegation continues in effect, and is treated as having been made by the transport CCO, until the earlier of the following:</p> <p>(a) the date on which the transport CCO revokes the delegation;</p> <p>(b) the end of the transitional period.</p> <p>(4) Despite subclauses (2) and (3), if the delegation relates to a function of the ARTC, the delegation is revoked on the commencement date.</p>	We recommend a savings provision is added for existing delegations from Auckland Council to Auckland Transport.
	<p>19 Saving of statutory warrants and appointments in relation to Auckland Transport employees</p> <p>(1) This clause applies to a warrant issued to, or an appointment of, an affected employee—</p> <p>(a) under—</p>	Clause 19(1)(a) should be amended to include reference to parking wardens appointed under s 128D of the LTA, and appointment of Auckland Transport employees by warrant under s 208 of the LTA, should be added to this list.

	<ul style="list-style-type: none"> (i) section 177 of the Local Government Act 2002; or (ii) section 208 of the Land Transport Act 1998; and (b) in force immediately before the commencement date. <p>(2) On and after the commencement date, the warrant or appointment continues in force until revoked.</p>	
	<p>20 Continuity of Auckland Transport's assets, contracts, etc</p> <p>(1) On the commencement date,—</p> <ul style="list-style-type: none"> (a) all rights, liabilities, contracts, entitlements, undertakings, and engagements of Auckland Transport remain the rights, liabilities, contracts, entitlements, undertakings, and engagements of the transport CCO; and (b) all assets that were owned by Auckland Transport immediately before the commencement date remain in the ownership of the transport CCO. <p>(2) Before the end of the transitional period, the transport CCO must enter into deeds of transfer with the Auckland Council in respect of the matters set out in subclause (1) that are determined to be transferred in the transition plan.</p> <p>(3) A deed of transfer under subclause (2) must give effect to and be consistent with the transition plan.</p>	<p>See main submission.</p> <p>Further, we recommend the Bill contain an OIC-making power deeming any analogous matters that may have accidentally been missed.</p> <p>The Bill should also include a provision deeming all previous decisions made and actions undertaken by Auckland Transport to be made by Auckland Council from the end of the transitional period (or the date on which the relevant function transfers to Auckland Council).</p>
	<i>Transfer of Auckland Transport employees and related matters</i>	
	<p>21 Duties to identify employees and provide employee information</p> <p>(1) The transition director must determine the role of each affected employee as one of the following:</p> <ul style="list-style-type: none"> (a) a role that the Auckland Council requires to carry out its functions under the new Act; (b) a role that the transport CCO requires to carry out its functions under the new Act; (c) a role that the Auckland Council and the transport CCO do not require to carry out their respective functions under the new Act. <p>(2) The transport CCO must provide employee information to the Auckland Council (including the transition director) if the transition director is satisfied that the information is reasonably necessary to enable—</p> <ul style="list-style-type: none"> (a) the transition director to determine to whom offers of employment should be made under clause 22(2); and 	<p>See below: Submissions on employment aspects of the Local Government (Auckland Council) (Transport Governance) Amendment Bill</p>

	<p>(b) the chief executive of the Auckland Council to make offers of employment under clause 22(2).</p> <p>(3) In this clause, employee information includes (without limitation) the following information in relation to an affected employee:</p> <p>(a) the employee's employment agreement, remuneration, accrued leave entitlements, superannuation scheme benefits, and any service-related benefits and entitlements;</p> <p>(b) any employment policies that are part of the employee's conditions of employment; and</p> <p>(c) records relating to the employee's performance as an employee of the transport CCO; and</p> <p>(d) records relating to any disciplinary or misconduct matters against the employee.</p>	
	<p>22 Employment of affected employees by Auckland Council</p> <p>(1) This clause applies in respect of any affected employee who is determined under clause 21(1)(a) to be required by the Auckland Council to carry out its functions under the new Act.</p> <p>(2) The chief executive of the Auckland Council may offer equivalent employment to the affected employee, being employment that is—</p> <p>(a) in substantially the same position; and</p> <p>(b) on terms and conditions (including, without limitation, in relation to the employee's overall remuneration and any service-related, redundancy, or superannuation conditions) that are no less favourable than those applying to the employee immediately before the date on which the offer of employment is made to the employee; and</p> <p>(c) on terms that treat the period of service with the transport CCO (and every other period of service recognised by the transport CCO as continuous service) as if it were continuous service with the Auckland Council.</p> <p>(3) If the affected employee accepts an offer of employment under subclause (2), the employee's employment by the Auckland Council is to be treated as continuous employment, including for the purpose of service-related entitlements, whether legislative or otherwise.</p>	<p>See below: Submissions on employment aspects of the Local Government (Auckland Council) (Transport Governance) Amendment Bill</p>

	<p>(4) An affected employee who is offered employment under subclause (2) is not entitled to receive any contractual notice or any payment, benefit, or compensation from the transport CCO or the Auckland Council on the grounds that—</p> <ul style="list-style-type: none"> (a) the affected employee’s position in the transport CCO has ceased to exist, whether or not the employee accepts the offer; or (b) the person has ceased to be an employee of the transport CCO as a result of the employee’s employment by the Auckland Council. <p>(5) The employment of an affected employee by the Auckland Council does not—</p> <ul style="list-style-type: none"> (a) constitute new employment, including for the purposes of the Holidays Act 2003 or the KiwiSaver Act 2006 or any service-related entitlements or benefits (whether legislative or otherwise); or (b) treat that employee as a new employee for the purposes of the Employment Relations Act 2000. <p>(6) This clause overrides—</p> <ul style="list-style-type: none"> (a) Part 6A of the Employment Relations Act 2000; and 25 (b) any employee protection provision in any relevant employment agreement. 	
	<p>Transfer of other employment rights, duties, liabilities, or obligations of transport CCO on change of employer</p> <p>(1) This clause applies to any other rights, duties, liabilities, or obligations of the transport CCO (including in relation to any holiday and leave entitlements under the Holidays Act 2003)—</p> <ul style="list-style-type: none"> (a) relating to an affected employee who becomes an employee of the Auckland Council under clause 22; and (b) that existed immediately before the date on which the employee became an employee of the Auckland Council. <p>(2) The rights, duties, liabilities, and obligations referred to in subclause (1) vest in the Auckland Council on the date on which the employee becomes an employee of the Auckland Council.</p>	<p>See below: Submissions on employment aspects of the Local Government (Auckland Council) (Transport Governance) Amendment Bill</p>

Schedule 2**New Schedules 3 and 4 inserted****Schedule 3****Conflicts of interest****When interests must be disclosed**

- (1) In this clause, matter means the ARTC's performance of its functions (including responsibilities, duties, functions, or powers delegated under section 38B).
- (2) A member of the ARTC is **interested** in a matter if they—
 - (a) may derive a financial benefit from the matter; or
 - (b) are the spouse, civil union partner, de facto partner, child, or parent of a person who may derive a financial benefit from the matter; or
 - (c) may have a financial interest in a person to whom the matter relates; or
 - (d) are a partner, director, officer, board member, or trustee of a person who may have a financial interest in a person to whom the matter relates; or
 - (e) are otherwise directly or indirectly interested in the matter.
- (3) However, a member is not interested in a matter—
 - (a) because they receive remuneration or expenses authorised under this Act or another Act; or
 - (b) if their interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence them in carrying out their responsibilities under this Act or the Land Transport Management Act 2003; or
 - (c) only because they have past or current involvement in the relevant sector, industry, or practice.

Obligation to disclose interest

- (1) A member who is interested in a matter relating to the ARTC must disclose details of the interest in accordance with **clause 3** as soon as practicable after the member becomes aware that they are interested.
- (2) A general notice of an interest in a matter relating to the ARTC, or in a matter that may in future relate to the ARTC, that is disclosed in accordance with clause 3 is a standing disclosure of that interest for the purposes of this clause.

	(3) A standing disclosure ceases to have effect if the nature of the interest materially alters or the extent of the interest materially increases.	
	Who disclosure of interests must be made to (1) The member must disclose details of the interest in an interests register kept by the ARTC. (2) The ARTC must provide a copy of the interests register to the Minister of Transport and the mayor at least every 3 months.	
	What must be disclosed The details that must be disclosed under clause 3 are— (a) the nature of the interest and the monetary value of the interest (if the monetary value can be quantified); or (b) the nature and extent of the interest (if the monetary value cannot be quantified).	
	Consequences of being interested in matter A member who is interested in a matter— (a) must not vote or take part in any discussion or decision relating to the matter, or otherwise participate in any activity that relates to the matter; and (b) must not sign any document relating to the initiation of the matter; and (c) is to be disregarded for the purpose of forming a quorum (if a quorum is required by standing orders) for that part of a meeting during which a discussion or decision relating to the matter occurs or is made.	
	Consequences of failing to disclose interest (1) The ARTC must notify the Minister of Transport and the mayor of a failure to comply with clause 2 or 5 , and of the acts affected, as soon as practicable after becoming aware of the failure. (2) A failure to comply with clause 2 or 5 does not affect the validity of an act or matter. (3) However, subclause (2) does not limit the right of any person to apply, in accordance with law, for judicial review.	
	Permission to act despite being interested in matter (1) The chairperson may, by making an entry in the interests register, permit 1 or more members, or members with a specified class of interest, to do anything	

	<p>otherwise prohibited by clause 5 if the chairperson is satisfied that it is in the public interest to do so.</p> <p>(2) The permission may state conditions that the member must comply with.</p> <p>(3) If there is no chairperson, or if the chairperson is unavailable or interested, the permission may be given jointly by the Minister of Transport and the mayor.</p> <p>(4) The permission may be amended or revoked in the same way as it may be given.</p>	
	<p>Entity may avoid certain acts done in breach of conflict of interest rules</p> <p>(1) The ARTC may avoid a natural person act done by the ARTC in respect of which a member was in breach of clause 5. 5</p> <p>(2) However, the act may be avoided only within 3 months after the affected act is disclosed to the Minister of Transport and the mayor under clause 6.</p> <p>(3) If an affected act is disclosed to the Minister of Transport and the mayor at different times, the 3-month period is calculated by reference to the earlier disclosure.</p> <p>(4) An act in which a member is interested can be avoided on the ground of the member's interest only in accordance with this clause.</p>	
Schedule 4		
Local boards' powers, functions, and responsibilities in relation to local roads and collector roads in Auckland		

s 47C			See main submission.
Provision	Description	Exclusions	
<i>Government Roadways Powers Act 1989:</i>			
Section 54(2)(a) to (c) and (3)	Functions and responsibilities of a controlling authority in relation to the removal of a structure		
Section 55(2)(a) to (f)	Powers of a responsible authority in relation to an owner or occupier of any land adjoining a road or public work		
Section 96(1)	Administration of a limited access road passed to a territorial authority		
<i>Local Government Act 1974:</i>			
Section 319(1)(f)	Power to determine what part of a road must be a carriageway, footpath, or cycle track		
Section 331	Power to form or upgrade footpath	Power to impose a charge under section 331(1)	
Section 332	Power to form a public cycle track	Power to take, purchase, or otherwise acquire land for the purpose of constructing the cycle track under section 332(2)	
Section 334(1)(b)	Power to lay out or plant grass plots, flower beds, or trees on a road and prohibit traffic on those plots or flower beds		
Section 334(1)(c)	Power to erect a monument, statue, or other erection		
Section 336(1)	Powers relating to pedestrian malls		
Section 341(1)(a)	Power to grant a lease of, or any part of, the airspace above the surface of a road		
Section 346A	Power to declare a road to be a limited access road and to revoke the status of a road as a limited access road		
Section 355(1) and (9)	Powers of a council in relation to removal, etc.		
Section 591(1)(d)	Power to authorise any part of a road for use as a parking place		
Schedule 10, clauses 11(e), 11A, and 11B	Power to close a road to traffic and associated powers and responsibilities of a council		
<i>Land Transport Rule: Setting of Speed Limits 2024:</i>			
All	Powers and responsibilities of a territorial authority that is a road controlling authority in relation to speed limits (including speed limits around schools and temporary speed limits)		
<i>Land Transport Rule: Street Layouts 2023:</i>			
Clauses 2.1 to 2.3	Powers and responsibilities of a road controlling authority in relation to a roadway within its control		

Provision	Description	Exclusions
Section 3	Powers and responsibilities of a road controlling authority in relation to installing pilots	
Section 4	Powers and responsibilities of a road controlling authority in relation to authorising a community street	
<i>Land Transport Rule: Traffic Control Devices 2004:</i>		
Clause 6.2(2)	Power to install additional traffic signals	
Clause 6.4(21)	Power to install temporary traffic signals	
Section 7	Power to provide traffic control devices	
Clause 8.2(1) and (2)	Power to mark a pedestrian crossing on a road	
Clause 8.3(1) and (3)	Power to authorise, and to withdraw the authorisation of, the Board of Trustees of a school to appoint persons as members of school patrols	
Clause 8.4	Power to provide a school crossing point	
Clause 10.6	Power to mark a road surface to indicate the area that a road user must not enter when the road user's intended passage through that area is blocked by traffic	
Clause 11.4(4)	Power to install facilities for the parking, standing, or storage of specified things	
Clause 12.4	Designation of an area of road as a loading zone, reserved parking, or time-restricted parking	
<i>Transport (Vehicular Traffic Road Closure) Regulations 1965:</i>		
Regulation 3	Power to close a road	

Schedule 3	
Consequential amendments	
Part 1	
Amendments to Land Transport Management Act 2003	
	<p>In section 5(1), replace the definition of Auckland Council with: Auckland Council means the unitary authority established by section 6 of the Local Government (Auckland Council) Act 2009</p> <p>In section 5(1), insert in their appropriate alphabetical order: Auckland Regional Transport Committee or ARTC means the Auckland Regional Transport Committee established by section 38 of the Local Government (Auckland Council) Act 2009</p> <p>transport CCO has the meaning given under section 4(1) of the Local Government (Auckland Council) Act 2009</p> <p>In section 5(1), repeal the definition of Auckland Transport.</p> <p>In section 5(1), definition of public road controlling authority, repeal paragraph (c).</p> <p>In section 5(1), definition of regional council, replace paragraph (b) with:</p> <ul style="list-style-type: none"> (b) when used in— <ul style="list-style-type: none"> (i) Parts 2 to 4, includes a unitary authority: (ii) Part 5, includes— <ul style="list-style-type: none"> (A) a unitary authority: (B) any territorial authority to which the regional council has transferred the functions, powers, and duties of a regional council under that Part <p>In section 5(1), replace the definition of regional transport committee with:</p>

	<p>regional transport committee means a regional transport committee established under section 105</p> <p>In section 5(1), replace the definition of road controlling authority with: road controlling authority, in relation to a road, means the Minister, department of State, Crown entity, State enterprise, or territorial authority that controls the road</p>	
	<p>Replace section 13(2) with:</p> <p>(2) Every 6 financial years, Auckland Council, in the case of Auckland, must—</p> <ul style="list-style-type: none"> (a) ensure that the ARTC prepares, on Auckland Council’s behalf, a regional land transport plan; and (b) approve the Auckland regional land transport plan by a date appointed by the Agency. 	<p>We recommend the words “, on Auckland Council’s behalf” be removed from the proposed section 13(2)(a) and replaced with “and submits to the Auckland Council for approval”.</p>
	<p>In section 14, replace “or Auckland Transport (as the case may be) for approval, the regional transport committee” with “for approval, or before the ARTC submits a regional land transport plan to Auckland Council for approval, the regional transport committee or the ARTC”.</p>	
	<p>After section 14, insert:</p> <p>15 Additional requirements for Auckland regional land transport plan</p> <p>Before the ARTC submits a regional land transport plan to Auckland Council for approval, the ARTC must—</p> <ul style="list-style-type: none"> (a) have regard to the Auckland Council’s long-term plan; and (b) have regard to any consultation document prepared and adopted by Auckland Council under section 93A of the Local Government Act 2002 (if it is using the special consultative procedure in relation to the adoption or amendment of a long-term plan); and (c) have regard to any Auckland Council transport policy statement that has been approved by the governing body of Auckland Council; and (d) ensure that the regional land transport plan is consistent with the 30-year transport plan for Auckland approved under section 42 of the Local Government (Auckland Council) Act 2009. 	<p>We assume that the proposed section 15(b) is intended to mean that the ARTC must have regard to an LTP Consultation Document only when it is preparing an RLTP at the same time that the council is consulting on an LTP amendment/new LTP, but before that LTP amendment has been made/LTP adopted. We suggest this be clarified.</p>
	<p>In section 16(3)(a), delete “for regions other than Auckland,”.</p>	

<p>Repeal section 16(3)(b).</p> <p>In section 16(3)(c), after “committee”, insert “or, in the case of Auckland, the ARTC”.</p> <p>Replace section 16(3)(c)(i) with:</p> <p>(i) activities proposed by approved organisations in the region, other than those activities specified in paragraph (a); and</p> <p>In section 16(3)(d), after “committee”, insert “or, in the case of Auckland, the ARTC”.</p> <p>In section 16(5)(a), after “committees”, insert “or, in the case of Auckland, the ARTC”.</p> <p>In section 16(5)(b), after “committee,”, insert “or, in the case of Auckland, by the ARTC”.</p> <p>In section 16(6)(g), after “committee”, insert “or, in the case of Auckland, by the ARTC”.</p>	
<p>In section 18(1), after “committee”, insert “or, in the case of Auckland, the ARTC”.</p> <p>Replace section 18(2) with:</p> <p>(2) Before the ARTC consults the public under subsection (1), it must consult both the governing body of Auckland Council and each affected local board of the Council.</p>	
<p>In section 18A(2), after “committee”, insert “or, in the case of Auckland, the ARTC”.</p> <p>Repeal section 18A(3).</p> <p>In section 18A(4), replace “Auckland Transport” with “The ARTC”.</p>	

	In section 18B, after “committee”, insert “or, in the case of Auckland, the ARTC” in each place.	
	Repeal section 18C.	
	In section 18CA, after “committee”, insert “or, in the case of Auckland, the ARTC” in each place.	
	<p>In section 18D(1), after “committee”, insert “or, in the case of Auckland, the ARTC”.</p> <p>In section 18D(2), after “committee”, insert “or, in the case of Auckland, the ARTC”.</p> <p>In section 18D(2)(b), after “committee’s”, insert “or, in the case of Auckland, the ARTC’s”.</p> <p>Repeal section 18D(3).</p> <p>In section 18D(4), replace “Auckland Transport” with “the ARTC”.</p> <p>In section 18D(7), delete “or Auckland Transport”.</p>	
	<p>In section 18E(2), after “committee”, insert “or, in the case of Auckland, the ARTC”.</p> <p>Repeal section 18E(7).</p>	
	<p>In section 18F(1), delete “or Auckland Transport (as the case may require)”.</p> <p>Repeal section 18F(1)(a)(v).</p> <p>Repeal section 18F(2).</p>	
	In section 18G, delete “, the Auckland Council,” in each place.	
	After section 19B(b)(v), insert: (vi) 30-year transport plan for Auckland.	
	In section 19D(2), replace “Auckland Transport” with “the ARTC”.	

	In section 23(4), replace “Auckland Transport” with “the transport CCO”.	
	In section 26(da), replace “Auckland Transport’s” with “the transport CCO’s”.	
	In section 35, replace “Auckland Transport” with “the ARTC”.	
	In section 38AA(2), replace “Auckland Transport” with “the ARTC, the transport CCO”.	
	In section 38AA(2), replace “the Auckland transport system” with “land transport in Auckland”.	
	Repeal section 38AA(3).	
	After section 67(1)(b)(ii), insert: (iii) any 30-year transport plan for Auckland; and	
	Replace section 103(8) with: (8) Before making a declaration under subsection (1) or varying or revoking a declaration under subsection (4), the Agency must consult any regional council or territorial authority that may be affected by the proposed declaration, variation, or revocation and, if the road concerned is within a project area for a specified development project, the Agency must also consult Kāinga Ora—Homes and Communities.	
	In section 105(9), delete “or Auckland Transport and 1 or more adjoining regional councils”.	
	Repeal section 105(9A)(d).	
	Replace section 105(9C) with: (9C) The chair and deputy chair of a joint regional transport committee established under subsection (9) must both be persons who represent a regional council.	
	Repeal section 105(10A).	
	Repeal section 105A(1)(a).	

	<p>In section 106(1), delete “(other than the regional transport committee for Auckland)”.</p> <p>In section 106(2), replace “, including the regional transport committee for Auckland,” with “or, in the case of Auckland, the ARTC”.</p> <p>In section 106(3)(c), delete “or Auckland Transport (as the case may be)”.</p> <p>In section 106(4), delete “(including the regional transport committee for Auckland)”.</p>	<p>The proposed amendment to section 106(2) of the LTMA will require the ARTC to “<i>adopt a policy that determines significance in respect of ... (a) variations made to regional land transport plans under section 18D; and (b) the activities that are included in the regional land transport plan under section 16</i>”. In our view, it would be clearer for the requirement for the ARTC to adopt this policy to be included in the ARTC-specific sections in LGACA (e.g. the new section 38A, which sets out ARTC functions) instead of or in addition to in the LTMA.</p>
	Repeal section 107(4).	
	<p>In section 108(3), delete “or Auckland Transport”.</p> <p>In section 108(4), delete “or Auckland Transport”.</p>	
	In section 109B(7), definition of specified agency , paragraph (a), replace “Auckland Transport” with “the ARTC”.	
	Repeal section 114.	<p>Consequential amendments should be made throughout Part 5 of the LTMA, particularly s 119, to make clear that Auckland Council has responsibility for making and adopting the regional public transport plan, but that the plan binds the transport CCO in operating or contracting for the delivery of public transport services.</p>
	<p>Replace section 121(1)(c)(i)(G) with:</p> <p>(G) in the case of a plan or a variation adopted by the Auckland Council, the ARTC; and</p>	
	<p>In section 125(1)(a), replace “Auckland Transport” with “the Auckland Council”.</p> <p>In section 125(1)(b)(i), replace “(but Auckland Transport must consult the Auckland Council and each affected local board of the Auckland Council)” with “(but the Auckland Council must consult the ARTC)”.</p>	
	Repeal sections 128(3) and (4).	
	<p>In section 129(1), delete “or the Auckland Council”.</p> <p>Repeal section 129(1)(e).</p>	
Part 2		
Amendments to other Acts		

	<p>Freedom Camping Act 2011 (2011 No 61) In section 6(2)(a)(ii), replace “Auckland Transport” with “the transport CCO”.</p> <p>In section 6(3), replace “Auckland Transport” with “transport CCO”.</p> <p>Repeal section 42(4).</p>	<p>This amends the Freedom Camping Act to provide that a “local authority area” includes “an area of land within Auckland that is ... controlled or managed by the transport CCO”. This has implications for where freedom camping can lawfully take place.</p> <p>Under the current arrangements, it is necessary to refer to land managed or controlled by Auckland Transport because it controls and manages the Auckland Transport System. However, it is not clear that the transport CCO will control or manage any land (other than potentially under delegation from council). We therefore recommend the reference to the transport CCO be removed from the proposed amendments to the Freedom Camping Act 2011.</p>
	<p>Goods and Services Tax Act 1985 (1985 No 141) In section 2(1), definition of local authority, repeal paragraph (b)(vii) and (viii).</p>	<p>See commentary below in relation to the proposed amendment to the Income Tax Act 2007.</p>
	<p>Government Roadway Powers Act 1989 (1989 No 75) Repeal section 62(7).</p>	<p>This removes the ability for Waka Kotahi to delegate powers and duties regarding state highways to Auckland Transport.</p> <p>We recommend the Bill replace the reference to Auckland Transport with “the transport CCO”, to future-proof the legislation and preserve the ability for Waka Kotahi to delegate to the transport CCO.</p>
	<p>Income Tax Act 2007 (2007 No 97) In section YA 1, definition of council-controlled organisation, paragraph (b), delete “Auckland Transport (as established by section 38 of the Local Government (Auckland Council) Act 2009) or Auckland Regional Holdings (as established by section 18 of the Local Government (Auckland) Amendment Act 2004 or”.</p> <p>In section YA 1, definition of local authority, repeal paragraph (b)(vii) and (viii).</p>	<p>The effect of the proposed amendments to the Income Tax Act 2007 and the Goods and Services Tax Act 1985 (referred to above) will remove the ability of Auckland Transport and the new transport CCO to access the income tax exemption for local authorities set out in section CW39 of the Income Tax Act, and would cause it to be viewed as a fully taxable CCO for GST and income tax purposes.</p> <p>This would mean that the proposed delivery of services by the transport CCO would be subject to tax, but if the same services were delivered by the council directly, no tax would arise due to its status as a local authority.</p>

		The council considers that this is an unintended consequence of the proposed amendments and recommends that the Bill be amended to enable the transport CCO to continue to have the same tax exemptions (both in relation to GST and income tax) that currently apply to Auckland Transport, including during the transition period.
	New Zealand Infrastructure Commission/Te Waihangā Act 2019 (2019 No 51) In section 23(6)(g), replace “Auckland Transport” with “the transport CCO”.	
	Official Information Act 1982 (1982 No 156) In Schedule 1, insert in its appropriate alphabetical order: Auckland Regional Transport Committee	
	Remuneration Authority Act 1977 (1977 No 110) In Schedule 4, insert in its appropriate alphabetical order: The members of the Auckland Regional Transport Committee appointed by the mayor of Auckland under section 38D(c) of the Local Government (Auckland Council) Act 2009	
	Urban Development Act 2020 (2020 No 42) In section 9, repeal the definition of Auckland Transport . In section 9, replace the definition of relevant territorial authority with: relevant territorial authority , in relation to a specified development project (or a project being assessed as a potential specified development project), means every territorial authority whose district includes land in the project area (or proposed project area) In section 142(1), repeal the definition of relevant territorial authority . Replace section 297(1) with: (1) This section applies if, in relation to a specified development project, the board of Kāinga Ora delegates any of its functions and powers to a local authority.	
Part 3 Revocation and amendments to secondary legislation		

	Airport Authorities (Auckland Transport) Order 2020 (LI 2020/5) The Airport Authorities (Auckland Transport) Order 2020 (LI 2020/5) is revoked.	The revocation of this Order in Council will remove the ability of Auckland Transport to exercise the powers conferred on local authorities by section 3 of the Airport Authorities Act 1966. A future Order in Council, under section 3 of that Act, will be needed to provide for either Auckland Council or the transport CCO to be an airport authority (including for the purposes of establishing, improving, maintaining, operating or managing airports in the Auckland region).
	Land Transport Rule: Setting of Speed Limits 2024 In clause 1.4(1), revoke the definition of Auckland Transport . In clause 1.4(1), definition of territorial authority , paragraph (b), delete “, Auckland Council or Auckland Transport”.	
	Land Transport Rule: Street Layouts 2023 In clause 1.4(1), revoke the definition of Auckland Transport . In clause 1.4(1), definition of local authority , delete “and also includes Auckland Transport”.	
	Railway Operator Order 1990 (SR 1990/315) Replace clause 2(c) with: (c) the transport CCO (a body corporate continued by section 43 of the Local Government (Auckland Council) Act 2009):	

Submissions on employment aspects of the Local Government (Auckland Council) (Transport Governance) Amendment Bill

Introduction

1. It is critical that the transition enables both Auckland Council and the transport CCO to operate as high-performing organisations, and that unnecessary cost and disputes are avoided. As currently drafted, the employment provisions in the Bill are **unworkable** and risk undermining this goal.
2. Therefore, these submissions comment on key employment aspects of the Bill, with the aim of ensuring that the transition process:

- a) is clear and unambiguous for all involved;
 - b) allows Auckland Council the flexibility to re-design the delivery of transport functions and the transfer of the transport CCO's employees upfront, to ensure an efficient transfer that meets the ongoing needs of Auckland Council and the transport CCO;
 - c) is conducted in a fair and financially prudent manner in relation to employee entitlements; and
 - d) poses a low level of risk in terms of legal challenges.
3. Auckland Council recommends that the Bill be amended to make four important changes. These changes largely adopt the proven approach taken in the Local Government (Auckland Transitional Provisions) Act 2010, which governed the previous amalgamation:
- a) **Chief Executive retains responsibility for employment matters:** employment decisions should remain the responsibility of the Auckland Council Chief Executive, on recommendation from the Transition Director, consistent with established legal responsibilities and past precedent.
 - b) **Flexibility about roles needed for new structure:** The legislation should make it explicit that affected employees may be offered the same role, a similar/equivalent role, a different or non-equivalent role, or no role in the new structure. The Chief Executive and Transition Director require this flexibility to design a high-performing organisation while ensuring fair treatment of staff.
 - c) **Broader definition of "equivalent employment":** The Bill should adopt a broader test so that employees offered employment in substantially similar roles (including on broadly similar terms and conditions) are not treated as redundant. This will reduce scope for dispute and avoid unnecessary cost while protecting employees' continuity of employment.
 - d) **No redundancy where employment is accepted:** The Bill should clarify that employees who accept an offer of employment with Auckland Council, whether equivalent or not, remain in continuous employment and are not entitled to redundancy compensation.
4. For clarity, the outcomes of these changes in relation to redundancy compensation are set out in Appendix 1 (Redundancy Compensation Framework Table).
5. We have outlined our recommendations, with proposed amendments to specific clauses, in the clause by clause table. These are provided to assist the committee and likely require further development, which Auckland Council is happy to work with the Committee on.

Further detail

6. **Role of transition director**
- a) The Bill as currently drafted provides (at Schedule 1, clauses 11 and 12) that a transition director will be appointed by the Chief Executive of Auckland Council (as soon as practicable after the Bill becomes law) to prepare a transition plan and to make various decisions, including in relation to which employees will be offered ongoing/new employment and on what terms and conditions.¹

¹ See for example, clauses 21 and 22

- b) Auckland Council agrees it is appropriate to have a transition director appointed to undertake this work. However, it is concerned that the ultimate decision-making power would sit with the transition director rather than the Chief Executive of the Council. This is inconsistent with the general legal position, where the Chief Executive is ultimately responsible for staffing matters, but can make appropriate delegations.²
- c) Auckland Council also notes that this approach contrasts with that taken in the Local Government (Auckland Transitional Provisions) Act 2010, where the Chief Executive retained this power.³
- d) Auckland Council therefore recommends that the Bill is amended so that the Chief Executive makes decisions in relation to employment matters, with input/assistance from the transition director.

7. Schedule 1, Clause 21(1) (Duties to identify employees and provide employee information): Categorisation of roles

- a) Auckland Council is concerned that the current approach to assessment of what roles are required, is too binary. In a process of this nature, we need the flexibility to be able to design the roles in both organisations in way that is fit for purpose rather than being limited to assessing roles as they are currently carried out.
- b) Auckland Council therefore considers that Clause 21(1) should require a determination of which roles are required under the new Act by Auckland Council or by the transport CCO to carry out their respective functions under the Act.
- c) In addition, it is critical that the Chief Executive have the discretion to appoint a transport CCO employee to a role (as opposed to an Auckland Council employee) if there are duplicate or new roles. Otherwise, there is a risk that important transport CCO institutional knowledge and relationships could be lost if Auckland Council is required to give preference to its current employees (noting that this would be the requirement under employment law). This is also addressed further in Clause 22 suggestions.

Possible wording:

21 Duties to identify ~~employees~~ roles and provide employee information

- (1) The chief executive of the Auckland Council (or the transition director, as delegated by the chief executive) must review the position of each affected employee and determine the roles required to carry out the functions required under the new Act for:
- (a) Auckland Council and;
 - (b) the transport CCO.
- The purpose of this review shall be to inform decisions made by the Chief Executive in Clause 22(2).

² See, for example sections 42(2)(g) and (h) of the Local Government Act 2002.

³ See, for example, Local Government (Auckland Transitional Provisions) Act 2010, section 100.

8. **Schedule 1, Clause 12 (Transition director must develop transition plan): Requirement for Governing Body approval of staffing matters is not appropriate**

- a) Auckland Council considers that the transition director's classification of roles is not suitable for the transition plan (and Governing Body's ultimate approval) as typically, staffing matters sit with the Chief Executive rather than being a matter of governance.⁴
- b) We recommend that the decisions about the status of the roles of affected employees sits at an operational level with the Chief Executive (as would generally be the case) rather than within the approval of the Governing Body.

Possible wording:

12 Transition director must develop transition plan

- (1) The transition director must prepare a transition plan that sets out—
 - (a) the strategy for, and the timing of, the transition between the old Act and the new Act in relation to the respective functions of the Auckland Council and the transport CCO; and
 - (b) the status of the roles of affected employees as determined under **clause 21(1)**; and
 - (c) the assets, rights, liabilities, contracts, entitlements, undertakings, and engagements of the transport CCO that will be subject to a deed of transfer under **clause 20**.
- (2) The aspects of the transition plan covered by sub-clauses (1)(a) and (c) must be approved by the governing body of the Auckland Council. The aspect of the transition plan covered by sub-clause (b) must be approved by the chief executive of the Auckland Council.

9. **Schedule 1, Clauses 21(2) and (3) (Duties to identify employees roles and provide employee information): Employee information requirements**

⁴ See, for example, sections 42(2)(g) and (h) of the Local Government Act 2002.

- a) Auckland Council agrees that it would be appropriate for Chief Executive to be provided with the information referenced at clauses 21(2) and (3) to assist them to make their decision about the status of roles. However:
 - I. In respect of clause 21(3), we envisage that some non-specific employment information, for example organisational structure and position descriptions, will be needed by the Chief Executive. A duty on the transport CCO to provide relevant information for this purpose would be of assistance.
 - II. In respect of Cl 21(3)(a), it would be useful to specifically include “position description” in the list of information.

Possible wording:

21 Duties to identify employees roles and provide employee information

...

- (3) In this clause, employee information includes (without limitation) information at an organisational level in relation to organisational structure and position descriptions, and the following information in relation to an affected employee:
 - (a) the employee’s employment agreement, position description, remuneration, accrued leave entitlements, superannuation scheme benefits, and any service-related benefits and entitlements;
 - (b) any employment policies that are part of the employee’s conditions of employment; and
 - (c) records relating to the employee’s performance as an employee of the transport CCO; and
 - (d) records relating to any disciplinary or misconduct matters against the employee.

10. **Schedule 1, Clauses 22 (2) (Employment of affected employees by Auckland Council and the transport CCO): Parameters of Chief Executive’s discretion to offer ongoing employment**
 - a) Auckland Council considers that the interpretation of clause 22(2), as currently worded, is ambiguous, particularly in relation to the meaning of the word “may”. We recommend the wording be amended to make it clear that the Chief Executive has discretion to determine whether employment should be offered, and on what terms and conditions.
 - b) It is important that the legislation provides flexibility for the Chief Executive to offer non-equivalent employment (perhaps with existing remuneration held at the same level for a period of 6 months).
 - c) We recommend that the wording is amended to clarify that there is discretion:
 - I. To offer “equivalent employment” (as will be defined in the Act) or;

- II. To offer employment in a position that is not “equivalent employment” or;
- III. Not to offer employment with Auckland Council

11. Schedule 1, Clauses 22 (2) (Employment of affected employees by Auckland Council and the transport CCO): Definition of “equivalent employment”

- a) Regarding the proposed definition of “equivalent employment”, the Council is concerned that there are likely to be arguments raised that (as currently worded) many transport CCO employees offered employment by the Council would not meet this definition (noting that criteria such as “substantially the same position” and terms and conditions that are “no less favourable” set a high bar).
- b) Relevantly:
 - I. There would be differences between the terms and conditions/roles at the transport CCO and those offered by the Council that could not be avoided. For example, by virtue of moving into a much larger organisation with a different structure, transport CCO employees would be offered equivalent employment at a different ‘tier level’ than what they currently hold.
 - II. Performance based pay is not available at Auckland Council but is a component of the remuneration framework for Auckland Transport employees.
 - III. Transferring employees would most likely need to move to a new location of work. There may be differences in both office location and the level or nature of remote work that can be accommodated in their role.
 - IV. There could be circumstances where transferring employees are currently covered by a collective agreement (CA) but would not be within coverage of a CA upon transition to Auckland Council, so would be offered employment on an individual employment agreement (IEA) only.
- c) The test for ‘equivalent employment’ therefore needs to be all encompassing, otherwise Auckland Council considers there is a significant risk of dispute and challenge regarding the interpretation of this test. This is to avoid the risk that employees could argue an entitlement to redundancy compensation in circumstances where they have been offered ongoing employment on terms that are broadly equivalent.
- d) Amendments should be made to this test (as suggested below) to assist with an expedient and financially prudent transition, reducing the scope for argument/disagreement at the offer stage as in our experience, this can be a time-consuming issue when dealing with transfers between organisations of substantially different size and structure.

Suggested wording:

22 Employment of affected employees by Auckland Council and the transport CCO

- (1) This clause applies to affected employees.
- (2) The chief executive of the Auckland Council ~~may, at their discretion: may~~
 - (a) offer equivalent employment to the affected employee, being employment that is—
 - (i) in substantially the same position, ~~meaning that the affected employee will be undertaking substantially the same core duties with changes such as role title, reporting line, organisational/hierarchical tiers, location, and type of employment (for example, being on an individual employment agreement versus a collective agreement) not impacting the assessment of whether a position is substantially the same;~~ and
 - (ii) on terms and conditions (including, without limitation, in relation to the employee's overall remuneration ~~(which includes their current remuneration but not their contractual remuneration framework)~~ and any service-related, redundancy, or superannuation conditions) that are ~~overall~~ no less favourable than those applying to the employee immediately before the date on which the offer of employment is made to the employee; and
 - (iii) on terms that treat the period of service with the transport CCO (and every other period of service recognised by the transport CCO as continuous service) as if it were continuous service with the Auckland Council; ~~or~~
 - (b) ~~offer employment to the affected employee that is not equivalent employment; or~~
 - (c) ~~not offer employment to the affected employee.~~

12. Schedule 1, Clause 22(4) (Employment of affected employees by Auckland Council and the transport CCO): Redundancy compensation provisions

- a) Clause 22(4) helpfully provides that an affected employee who is offered employment under subclause 22(2) (i.e. who is offered “equivalent employment”) is not entitled to receive any notice or other payment, benefit, or compensation from the transport CCO or Auckland Council, whether or not they accept the offer.
- b) However, clause 22(4), as currently drafted, does not capture all situations where Auckland Council considers it would not be fair or financially prudent for employees to be paid redundancy compensation.
- c) A key situation that is not currently covered by this clause is the situation where a transport CCO employee may accept an offer with Auckland Council that does not meet the “equivalent employment” test. In that situation, the employee would have accepted ongoing employment (i.e. they would not be redundant) but they would still be entitled to be paid their redundancy compensation based on the current wording.

- d) It is also important to ensure that “acceptance” is defined broadly enough that it captures the negotiation process that may occur with employees (i.e. whereby a first offer may not be accepted but a subsequent offer is).
- e) Another key situation which needs to be addressed is where an employee may be offered ongoing employment with the transport CCO in a new or amended role. Auckland Council considers it appropriate that the legislation also accounts for redundancy compensation ‘carve outs’ for affected employees who accept a new or amended role within the transport CCO.

Addendum A below includes a breakdown of whether an employee is entitled to redundancy compensation.

13. Schedule 1, Clause 22(6)

To avoid process uncertainty/complexity in respect of the transfer framework included in the Bill, it may be appropriate to consider whether clause 22(6) should apply more broadly to all the provisions in the Bill that govern the employee selection and transfer processes.

Possible wording:

22 Employment of affected employees by Auckland Council and transport CCO

...

- (4) An affected employee who is offered equivalent employment under **subclause (2)(a)**, or who is offered and accepts employment that is not equivalent employment under subclause (2)(b), is not entitled to receive any contractual notice or any payment, benefit, or compensation from the transport CCO or the Auckland Council on the grounds that—
- (a) the affected employee's position in the transport CCO has ceased to exist, whether or not the employee accepts the offer; or
 - (b) the person has ceased to be an employee of the transport CCO as a result of the employee's employment by the Auckland Council.
- (5) In subclause (4), offer, in relation to accepting an offer, means:
- (a) acceptance of an offer as notified under subclause (2); or
 - (b) if the offer is varied by negotiation, acceptance of the offer as varied; or
 - (c) if any subsequent offer is made after the offer notified in subclause (2) is accepted (whether or not after negotiation) or declined, acceptance of the subsequent offer.
- (6) Where an affected employee is offered and accepts ongoing employment with the transport CCO (including in a new or amended role), they are not entitled to receive any contractual notice or any payment, benefit, or compensation from the transport CCO on the grounds that the affected employee's position in the transport CCO has ceased to exist.
- (7) The employment of an affected employee by the Auckland Council or the transport CCO does not—
- a. constitute new employment, including for the purposes of the Holidays Act 2003 or the KiwiSaver Act 2006 or any service-related entitlements or benefits (whether legislative or otherwise); or
 - b. treat that employee as a new employee for the purposes of the Employment Relations Act 2000
- (8) The employment related provisions in this Act ~~This clause~~ overrides;
- (a) Part 6A of the Employment Relations Act 2000; and
 - (b) any employee protection provision in any relevant employment agreement.
 - (c) Any legal requirement which would require preference for a role to be given to an Auckland Council employee, over an affected employee of the transport CCO.
- (9) For the avoidance of doubt, in making a decision under Clause 22(2), the Chief Executive may, at their discretion, undertake a selection process between employees of Auckland Council and the transport CCO to determine who will be offered ongoing employment in that role.

any visa conditions. We have suggested wording below which is analogous to Clause 13, Schedule 1 of the Pae Ora (Healthy Futures) Act.

- III. In a similar manner to clause 22, the Bill should clarify, for the avoidance of doubt that “affected employees” of Auckland Transport are employees of the Transport CCO on royal assent. Employment remains on the same role and on the same terms until a transfer to Auckland Council under clause 22; or the role or terms of employment with the Transport CCO are varied; or the person’s employment ends.
- b) For the avoidance of doubt, we also think it should be clarified that affected employees will be employees of the transport CCO on royal assent and employment of affected employees will continue (on the same terms and conditions) unless:
- I. The employee is offered and accepts employment with Auckland Council under clause 22; or
 - II. The terms and conditions of employment between the affected employee and the transport CCO are varied; or
 - III. The affected employee’s employment ends.

Possible wording:

22 Employment of affected employees by Auckland Council

...

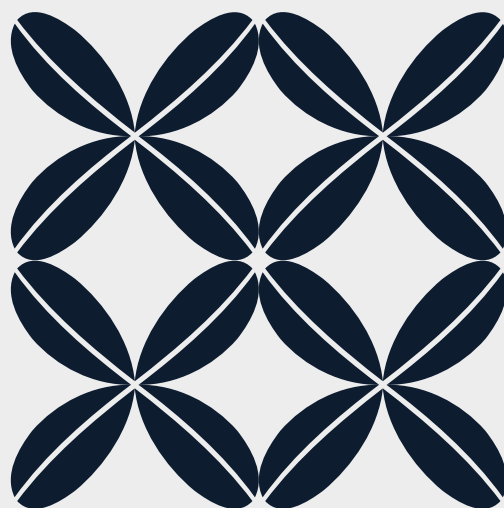
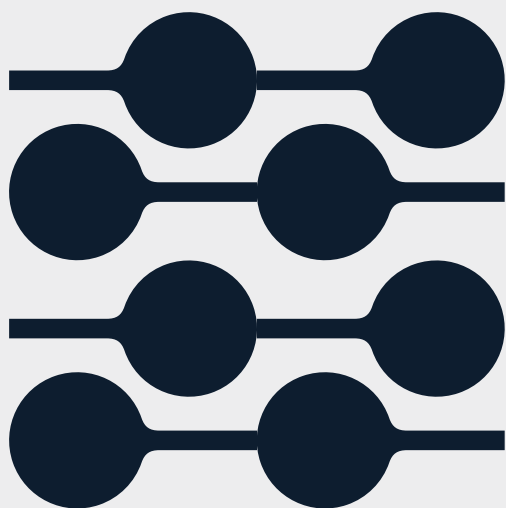
- (3) If the affected employee accepts an offer of employment under **subclause (2)**, the employee **will become an employee of** Auckland Council **at the end of the transitional period and their employment will** be treated as continuous employment, including for the purpose of service-related entitlements, whether legislative or otherwise.

...

- (10) On and from the commencement of their employment with Auckland Council, where an affected employee is employed by Auckland Council in equivalent employment, a reference to Auckland Transport in a condition imposed on a visa granted under the Immigration Act 2009 must be read as a reference to Auckland Council or the transport CCO, as appropriate.

Addendum A- Whether affected employees entitled to redundancy compensation

<i>Employee offered equivalent employment for same or substantially similar role</i>	
Employee accepts offer	No compensation payable
Employee declines offer	No compensation payable
<i>Employee offered non-equivalent employment</i>	
Employee accepts offer	No compensation payable Could consider: that if position at lower remuneration – <i>remuneration held at same level for a period of 6 months</i> (as per Auckland Transition legislation)
Employee declines offer	Contractual compensation (if any) payable
<i>Employee not offered employment</i>	
Employee not offered employment	Contractual compensation (if any) payable



Appendix 2

Local board input



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Summary of local board feedback on the Local Government (Auckland Council) (Transport Governance) Amendment Bill

Purpose of the Bill

Support local decision making and democratic accountability (Albert-Eden, Devonport-Takapuna, Henderson-Massey, Howick, Kaipātiki, Maungakiekie-Tāmaki, Rodney, Waiheke, Waitematā)

Reformed Transport CCO

Support for establishing a statutory transport council-controlled organisation (CCO) with the primary function of delivering public transport services. (Aotea Great Barrier, Albert-Eden, Franklin, Henderson-Massey, Hibiscus and Bays, Howick, Kaipātiki, Māngere-Ōtāhuhu, Manurewa, Maungakiekie-Tāmaki, Ōrākei, Ōtara-Papatoetoe, Papakura, Puketāpapa, Waiheke, Waitākere Ranges, Waitematā, Whau)

Do not support (Upper Harbour) – recommends public transportation should be a function of Auckland Council.

Key points raised include:

- concerns about the potential costs of rebranding
- suggestions that transferring existing KiwiRail and NZTA powers relating to Auckland’s public transport to the new CCO could help achieve more integrated services
- the CCO’s purpose should include sustainability, resilience and emission reduction and emphasise community service provision.

Requests for clarity on:

- who holds ultimate responsibility for public transport services and infrastructure within the road corridor (e.g. bus shelters, bus lanes)
- the respective roles and responsibilities of Auckland Council as the road-controlling authority and the Transport CCO
- how “multi-board” or “cross-board” services, resources, and infrastructure will be governed to ensure efficiency and a seamless customer experience.

Conferring powers to local boards

Support (Aotea Great Barrier, Albert-Eden, Devonport-Takapuna, Franklin, Henderson-Massey, Hibiscus and Bays, Howick, Māngere-Ōtāhuhu, Manurewa, Maungakiekie-Tāmaki, Ōrākei, Ōtara-Papatoetoe, Papakura, Upper Harbour, Waiheke, Waitākere Ranges, Waitematā, Whau)

Do not support (Puketāpapa), recommends decision-making over collector roads should remain with the Governing Body with the requirement to consult with the impacted local board.

Additional points included:

- Aotea Great Barrier supports airfields and wharves remaining under the proposed responsibilities of the Governing Body.

E mahi ana mātou i te mahi mō Tāmaki Makaurau

- Devonport-Takapuna requests clarification on the delegation of authority relating to wharves, ferries, and the Harbour Master.

Concerns included:

- the need for Minister of Transport approval for transport delegations
- uncertainty about the extent to which powers can be delegated and the distinction between governance and operational functions
- responsibility for budgets relating to maintenance and renewals on local and collector roads
- the importance of local board decision-making in placemaking, especially where town centres sit on arterial roads
- that existing legislative constraints may restrict local boards from implementing desired community outcomes, such as lower speeds

Boards highlighted the increased workload and support needed, including:

- access to subject matter expertise and professional advice
- legal support, particularly where board decisions are challenged by the public
- continuation of relationship management staff to ensure effective governance and relationships between local boards and the Transport CCO
- appropriate budget allocations, acknowledging the impact of the Government Policy Statement on Land Transport (GPS)
- access to information on transport assets in the local board area, including condition assessments
- access to intellectual property, information, and databases relevant to transport in the local area
- coordination of transport strategy, policy, and planning with the newly established Auckland Urban Development Office to achieve integrated urban development and placemaking outcomes.

Auckland Regional Transport Committee (ARTC)

Support (Devonport-Takapuna, Franklin, Henderson-Massey, Hibiscus and Bays, Howick, Kaipātiki, Māngere-Ōtāhuhu, Manurewa, Ōrākei, Papakura, Upper Harbour, Waiheke)

Do not support (Whau), note concern over proposed composition, central government influence, and the 30-year timeframe for a transport plan.

Views on committee structure and membership

- There is concern over the lack of local board representation on the committee.
- Several local boards recommended expanding Auckland Council membership to strengthen regional balance and local board representation, with proposals ranging from additional council seats and local board appointees to subcommittees of local board chairs, while also opposing Ministerial appointment powers.
- Diversity should be a priority in membership selection.

Views on accountability and decision-making

- Clearer accountability is needed between the ARTC and the Governing Body for the Regional Land Transport Plan (RLTP), to prevent duplication or delay.

E mahi ana mātou i te mahi mō Tāmaki Makaurau

- Greater clarity is required on how funding decisions will be made across the GPS, the 30-year plan, the RLTP and local board plans.
- Local board input should be actively sought during the development of the RLTP and the 30-year transport plan.
- Waitematā emphasised that responsibility for the RLTP should sit with the Governing Body.
- Waitākere Ranges recommends including sustainability, resilience and emissions reductions as objectives for the ARTC.

Auckland Roading Classification Framework (ARCF)

Support (Aotea Great Barrier, Franklin, Hibiscus and Bays, Howick, Kaipātiki, Māngere-Ōtāhuhu, Manurewa, Maungakiekie-Tāmaki, Ōrākei, Papakura, Upper Harbour, Waitematā)

Do not support (Henderson-Massey, Waitākere Ranges), recommend local boards should be involved in development and approval.

Key points raised

- Responsibility for unformed roads (paper roads) should be clarified and included in the ARCF.
- Boards expressed concern about the Minister of Transport having a role in approving the ARCF.
- Several boards requested that local board views be formally considered during the development of the framework.
- Further clarification is needed on how arterial and collector/local roads are defined at intersections.
- Boards noted that rural roads should also be considered for inclusion.
- Howick noted that priority at local and arterial intersections should be given to the busier road, with a requirement for Governing Body consultation with the relevant local board.
- Māngere-Ōtāhuhu emphasised that mana whenua should have input into the framework.
- Waitematā requested greater clarity on how city centre roads will be treated under the framework.
- Waiheke requests their road network is reviewed separately given their unique network.

Transport bylaws

Support (Aotea Great Barrier, Albert-Eden, Devonport-Takapuna, Franklin, Henderson-Massey, Hibiscus and Bays, Howick, Kaipātiki, Māngere-Ōtāhuhu, Manurewa, Maungakiekie-Tāmaki, Ōtara-Papatoetoe, Papakura, Upper Harbour, Waiheke, Waitematā, Whau)

Do not support (Ōrākei), recommends that bylaws are initiated by local boards for discussion and support of the Governing Body

Waitematā and Waitākere Ranges considered that achieving a majority of local board support should be sufficient to move forward.

Concerns included:

- the risk of increased process and bureaucracy if both the Governing Body and local boards must agree on bylaws
- uncertainty about whether there will be a mediation process if the Governing Body and local boards disagree.

E mahi ana mātou i te mahi mō Tāmaki Makaurau

Some boards recommend that legislation includes a framework for decision-making for clarity.

Transition period of six months

Support (Aotea Great Barrier, Albert-Eden, Franklin, Hibiscus and Bays, Howick, Kaipātiki, Māngere-Ōtāhuhu, Manurewa, Maungakiekie-Tāmaki, Papakura, Waitemātā)

Do not support, (Henderson-Massey, Puketāpapa, Ōrākei, Whau), provided comments the period is too short. Ōrākei recommends the transition is extended to March 2027.

Aotea Great Barrier supports the six-month transition period but notes one year might be more realistic.

Even among boards supportive of the transition, concern was raised that the timeframe is too tight to review all transport bylaws, policies, and strategies. Several boards suggested extending the review period to 1 September 2028.

Some boards provided principles of transition, including:

- maintain all existing levels of service
- deliver on contractual arrangements
- ensure delivery of existing work programmes
- provide continuity of service
- ensure that there is not a reduction in customer satisfaction levels
- staff are supported during the transition period.

Other

Recommendations

- Request a review by the independent Remuneration Authority to assess whether new determinations are needed to reflect the additional responsibilities being placed on local board members.
- Seek clarification on whether the Governing Body or local boards will be responsible for unformed legal roads (paper roads).
- Auckland Council should consider how it will support local boards given the significant increase in workload.
- Develop guidelines to support local board collaboration, particularly where transport outcomes extend across multiple board areas.
- Establish regional baseline levels of service for transport, agreed between the Governing Body and local boards, to ensure consistency and coordination, while allowing local boards to vary levels of service for their communities.
- Continue the Local Board Transport Capital Fund (LBTCF).
- Ensure all revenue generated from local transport-related sources is reinvested back into the communities where it is collected.
- Address the inherent tension where lower-priority activity classes in the Government Policy Statement on Land Transport (GPS) (e.g. community safety, safe speeds, active modes, placemaking) are often higher priorities for local boards and communities.

E mahi ana mātou i te mahi mō Tāmaki Makaurau

- Explicitly rule out any moves that could enable or lead to the privatisation of Auckland's public transport.

Queries

- Clarification needed on the assessment process for the allocation of capital budgets, given these are significant and currently allocated regionally or sub-regionally.
- Rodney Local Board queried how pre-existing road maintenance deficits will be accounted for under an equitable funding model. And highlighted the need for an asset audit (including funding deficits) before Auckland Council assumes the role of road-controlling authority.

Albert-Eden Local Board

Resolution number AE/2025/173

18 September 2025

That the Albert-Eden Local Board:

- a) tuku / provide feedback on the Local Government (Auckland Council) (Transport Governance) Amendment Bill to inform the council's draft submission as follows:

Purpose of Bill

- b) support the return of functions, except public transport, from Auckland Transport to Auckland Council in the interests of democratic accountability.
- c) support strengthening the relationship between Government and Auckland Council in long term integrated transport planning and investment.

Reformed transport council-controlled organisation (CCO)

- d) support a statutory transport council-controlled organisation (CCO) with the primary function to provide public transport services within Auckland, noting further clarity is required to understand the roles and responsibilities between Auckland Council as the road controlling authority, and the Transport CCO, for example who is ultimately responsible for public transport service and infrastructure within the road corridor.

Allocated powers to local boards (Schedule 4)

- e) support in principle the powers allocated to local boards.
- f) note that local boards play a key role in the development of town centre upgrades, however these are normally on arterial roads but are of high interest to local business associations and residents with whom local boards have relationships.
- g) request that local boards be closely involved in decision making relating to town centres.

Auckland Roding Classification Framework

- h) seek clarification on whether the Governing Body or local boards will be responsible for unformed legal roads (paper roads).

Transport bylaws

- i) support measures where new bylaws are developed in agreement between the Governing Body and local boards, including that Auckland Council may make a bylaw if the majority of local boards must agree and Governing Body considers that the local boards that have not agreed to it have unreasonably withheld their agreement.
- j) note that the proposed framework where both the Governing Body and local boards must agree to a bylaw is likely to create additional time and process in bylaw development.

Transition period

- k) support the 6-month transition period between, likely between March and September 2026.
- l) recommend that transitional arrangements be guided by the following principles:

E mahi ana mātou i te mahi mō Tāmaki Makaurau

- i) maintain all existing levels of service
- ii) deliver on contractual arrangements
- iii) ensure delivery of existing work programmes
- iv) provide continuity of service
- v) ensure that there are no reduced customer satisfaction levels
- vi) staff are supported during the transition period.

Other matters

- m) note these operational matters for Auckland Council consideration:
 - i) request that transport strategy, policy and planning is informed by the newly established Auckland Development Office to ensure broader urban development and place-making outcomes are achieved.
 - ii) note that training, support and quality advice is fundamental to supporting local boards' fulfilling these additional powers, functions and responsibilities successfully and that they will significantly increase the workload for local board members.
 - iii) request that guidelines be created which support local board collaboration, especially when transport outcomes may extend beyond one local board area.
 - iv) note the possibility of impacting negatively on the internal dynamics of local boards.
 - v) potential for confusion if subdivisions and/or adjoining local boards views are not aligned.
 - vi) increase workload for elected members and staff will need to be addressed.
 - vii) query the assessment process for the allocation of capex budget given these are significant and currently allocated regionally or sub-regionally.
 - viii) seek clarity on whether local boards can independently apply for contestable Government funding, for example the historic Urban Cycleways Fund.
 - ix) request a review by the independent Remuneration Authority to assess whether new determinations are needed to reflect the additional responsibilities being given to local board members.
 - x) note the importance of retaining qualified experienced Auckland Transport staff and supporting them through the transition to Auckland Council.

CARRIED

Aotea / Great Barrier Local Board

Resolution number GBI/2025/135

23 September 2025

That the Aotea / Great Barrier Local Board:

- a) tuku / provide the tabled local board feedback on the Local Government (Auckland Council) (Transport Governance) Amendment Bill to inform the council's draft submission.

Local Board feedback on the Local Government (Auckland Council) (Transport Governance) Amendment Bill

Local context

- Aotea / Great Barrier Island is a rural island 90km northeast of Auckland City. It is Auckland Council's most remote and isolated area.
- The island is unique. It has no on-island public transport service, no footpaths, no traffic lights, no pedestrian crossings, nor dedicated cycle lanes.
- Travel to the island is a 35min plane flight from Mangere/Dairy Flat or a 4.5hr ferry ride from Hamer St in Wynyard Quarter.
- Being a remote and isolated island, the aerodrome, airfield and wharves are critical infrastructure for freight, people and emergency situations.
- Aotea has two airfields. Claris Aerodrome and Okiwi airfield are the only airfields that council-owns and Auckland Transport operates.
- Aotea has three council-owned and Auckland Transport maintained wharves at Tryphena, Whangaparapara and Okupu.

Aotea / Great Barrier Local Board feedback:

Governance arrangements

1. Support the proposed three-tiered governance arrangements for transport.
2. Support airfields and wharves falling under the proposed responsibilities of the Governing Body and request input on decisions given the aerodrome, airfield and wharves are critical infrastructure for our remote island.

Schedule 4 – Local boards' powers, functions, and responsibilities in relation to local roads and collector roads in Auckland

3. Support measures which provide local boards with greater authority and decision-making over council-owned property, such as the local roads and the road corridor. It not will only support local

boards to deliver better transport outcomes, but also support them to deliver town centre improvements, place-making and economic development outcomes.

4. Note that there are existing legislative constraints which may restrict local boards to implement identified desired community outcomes.
5. Note that could be an inherent tension as lower priorities in the Government Policy Statement for Land Transport (GPS) may be higher priority to local boards and their communities. This includes community safety, safe speeds, infrastructure for active modes and place-making. The limited budget allocated in the GPS for these activity classes may constrain local boards to deliver outcomes for their communities.
6. Requests a review by the independent Remuneration Authority to assess whether new determinations are needed and reflect the additional responsibilities being given to local board members.
7. Training, support and quality advice is fundamental to supporting local boards' fulfilling these additional powers, functions and responsibilities successfully. It will significantly increase the workload for local board members, and therefore support should include (but is not limited to):
 - appropriate subject matter expertise and advice is allocated to each local board to make effective decisions
 - the continuation of relationship management staff who can ensure quality governance and working relationships between local boards and the Transport CCO
 - suitable budget allocation
 - information on transport assets in the local board area, including their condition
 - intellectual property, information and databases on transport matters and are relevant to the local board area
 - ensuring transport strategy, policy and planning is coordinated and integrated with the newly-established Auckland Development Office to ensure broader urban development and place-making outcomes.

Reformed Transport CCO

8. Support the reformed Transport CCO to provide public transport services in Auckland, noting:
 - further clarity is required to understand the roles and responsibilities between Auckland Council as the road controlling authority, and the Transport CCO. For example, clarification is needed on who is ultimately responsible for public transport service and infrastructure within the road corridor
 - current Kiwirail and NZTA powers and functions relating to public transport in Auckland could be allocated to the Transport CCO, as doing this would deliver complete and integrated services across Auckland's public transport network
 - the Minister of Transport must approve any provisions where Auckland Council delegates certain powers or functions to the Transport CCO.

Auckland Roding Classification Framework

9. Support Auckland Council developing, approving, and maintaining the Auckland Roding Classification Framework
10. Recommend Section 48(2) include provision for rural roads, as they have unique and differing requirements to local or collector roads.
11. Recommend if rural roads are not included within the legislation, they become a dedicated classification in Auckland Roding Classification Framework.
12. Recommend that unformed legal roads (paper roads) form part of the Auckland Roding Classification Framework.
13. Questions whether the Minister of Transport must approve the Auckland Roding Classification Framework prior to it being approved by the Auckland Council.

Transport bylaws

14. Support measures where new bylaws are developed in agreement between the Governing Body and local board.
15. Note that the proposed framework where both the Governing Body and local boards must agree to a bylaw is likely going to create additional time and process on the bylaw development process.

Transition period

16. Support the transition period between March and September 2026 as an aspirational goal and note that one year might be more realistic.
17. Recommend that transitional arrangements be guided by the following principles:
 - maintain all existing levels of service
 - deliver on contractual arrangements
 - ensure delivery of existing work programmes
 - provide continuity of service
 - ensure that there are no reduced customer satisfaction levels
 - staff are supported during the transition period.
18. Consider that six months is an insufficient amount of time to review all Auckland Transport bylaws, policies and plans. Rather, it is recommended that they remain in place, and be reviewed by no later 1 September 2028. This arrangement is similar to the review process for legacy council bylaws following the creation of Auckland Council.
19. This timeframe places an unreasonable burden on staff, and local board members. The review of these bylaws, policies and plans will require an element of local board engagement and feedback, and this is unreasonable for local board members who will be learning about their new responsibilities per Schedule 4 of the Bill and undertaking their existing responsibilities during this period. For example, local boards are legislatively required to develop a new local board plan and develop a local board agreement during between January and September 2026.

Other considerations

20. Seeks clarification on whether the Governing Body or local boards will be responsible for unformed legal roads (paper roads).
21. Seeks clarification on whether the Governing Body or local boards will be responsible for road reserves.
22. Propose that guidelines be created which support local board collaboration, especially when transport outcomes may extend beyond one local board area.
23. Propose that baseline regional base levels of service for transport are determined and agreed between the Governing Body and local boards. This will provide consistency and coordination in service delivery but allow local boards to increase or decrease based on the needs of their communities.

CARRIED

Devonport-Takapuna Local Board

Resolution number DT/2025/202

23 September 2025

That the Devonport-Takapuna Local Board:

- a) **tuku** / provide feedback on the Local Government (Auckland Council) (Transport Governance) Amendment Bill to inform the council's draft submission.
- b) **tautoko** / support the proposed Local Government (Auckland Council) (Transport Governance) Amendment Bill provides fundamental and significant change which returns democratic control back to Auckland Council.
- c) **āhukahuka** / acknowledge this legislative change is responding to the growth of Tamaki Makaurau over the next 20 years with the expected growth to be the equivalent size of the city of Tauranga and Hamilton combined.
- d) **tautoko** / support local board decision making over local roads by local boards.
- e) **tautoko** / support the introduction of a long-term 30-year Transport Plan for Auckland which remains the consistent focus for the whole city to deliver, irrespective of central government and local government election cycles.
- f) **tūtohu** / recommend that the 30-year plan has recommended speed limits outside schools to ensure road users know what to expect to ensure there is no inconsistency across local board areas. For example, 30km by a school, 50km in the suburbs and 100km on the motorway or open road so road users know what to expect, irrespective of which suburb of Tamaki Makaurau you are driving in.
- g) **tautoko** / support transport bylaws are approved by a majority of the Local Boards and the Governing body.
- h) **tautoko** / support the establishment of the Auckland Regional Transport Committee.
- i) **tūtohu** / recommend the number of Auckland Council representatives on the Auckland Regional Transport Committee be increased from 3 to 5, to allow regional representation; one elected member from North, South, East, West and Central regions to ensure the transport experience is consistent for road users across the city.
- j) **tūtohu** / recommend that there is a legislative requirement for the Auckland Regional Transport Committee to consider the views and preferences of the 21 local boards.
- k) **tono** / request clarification on the classification framework designating the authority over regional roads, local roads and arterial roads.
- l) **tono** / request clarification on regional and local networks and associated decision-making responsibilities to achieve a coherent regional network.
- m) express concern there could be an inconsistent travel experience for road users across the city if each of the 21 local boards implement traffic projects unique to the requests of the Local Board members.
- n) express concern that local board members do not have the capacity to accept more transport related decision-making responsibility given they are remunerated for part-time hours.

E mahi ana mātou i te mahi mō Tāmaki Makaurau

- o) āhukahuka / acknowledge that local board members bring local experience and knowledge and may require additional training and support to make these more complex local traffic decisions.
- p) tūtohu / recommend staff from Auckland Transport are retained by Auckland Council in this transition to ensure continuity of their knowledge and experience to achieve great transport outcomes across Tamaki Makaurau.
- q) tūtohu / recommend local boards have adequate local budget allocation to make local transport improvements.
- r) tuhi tīpoka / note Bayswater and Devonport ferry terminals are highly utilised by our community.
- s) tono / request clarification on the delegation of authority over wharves, ferries and the Harbour Master.
- t) tono / request clarification on the relationship between the three year Devonport Takapuna Local Board Plan and the 30 year Transport Plan and how these work together.

CARRIED

Franklin Local Board

Resolution number FR/2025/165

23 September 2025

That the Franklin Local Board:

- a) tuku / provide feedback on the Local Government (Auckland Council) (Transport Governance) Amendment Bill to inform the council's draft submission as follows:

Allocated powers to local boards (Schedule 4)

- i) support the allocation of powers, functions, and responsibilities in relation to local roads and collector roads to local boards, however recognise that some nuance may be needed when classifying roads i.e. to enable a strong local voice on arterial and collector roads where these roads also support important local community outcomes that are the responsibility of local boards e.g. local economic development and placemaking
- ii) request further clarification regarding decision-making over 'paper roads', recommending that these decisions be allocated to local boards
- iii) recommend that the legislation should put in place a stronger mechanism and framework for resolving disputes (dispute resolution) between allocated decision-makers i.e. board to board disputes, but also board to Governing Body, board to a neighbouring local authority or board to government agency e.g. NZTA
- iv) note that existing legislative constraints may restrict local boards from implementing desired community outcomes, for example where communities have supported slower speeds but this is no longer possible due to the Government's current Speed Rule prohibiting 30km/h as a speed-setting option
- v) note that there is an assumption within the legislation that Auckland Council has a mechanism in place to actively support collaboration between boards, when this is not currently in place i.e. inter-board collaboration is not imbedded as a way of working at Auckland Council. Request that guidelines and resources be created which support local board collaboration, especially when transport outcomes extend beyond one local board area and that this be a requirement within transition arrangements
- vi) request advice and consideration on the extent to which the powers set out in Schedule 4 can be delegated, noting that almost all Road Controlling Authority (RCA) powers are currently exercised by Auckland Transport staff under delegation, and further request consideration of the distinction between governance and operational functions

Transport bylaws

- vii) support measures where new bylaws are developed in agreement between the Governing Body and local boards
- viii) support the bylaw-making process where all local boards must agree, unless the Governing Body and a majority of boards agree and non-agreement is deemed unreasonable, however note that there should be exceptions to this. For example need consensus from urban boards in decisions on bylaws relating to Livestock control
- ix) note that the proposed framework where both the Governing Body and local boards must agree to a bylaw could create additional time and process on the bylaw development process, and suggest a framework for decision-making be included in legislation for clarity

Reformed Transport Council Controlled Organisation (CCO)

- x) support the reformed Transport CCO to provide public transport services in Auckland, however recommend that this CCO be referred to as the Public Transport CCO for clarity i.e. so that it is clear that this CCO is not responsible for active transport, private transport, transport of freight etc
- xi) recommend that community service provision be emphasised as the primary purpose of the Transport CCO, so that service decisions made by that CCO are centered on community need, on balance with expediency. The board notes that current public transport service provision is too heavily weighted toward what is expedient rather than what is effective
- xii) request clarity on the roles and responsibilities between Auckland Council as the road controlling authority, and the Transport CCO. For example, clarification is needed on who is ultimately responsible for public transport service and the associated infrastructure to effectively deliver the services such as bus shelters and bus lanes
- xiii) request that it be made clear that local board views are obtained and considered by the reformed Transport CCO in relation to providing public transport services in the local board area, for example on new routes or services, as well as the scope of services reflected in the development of the Regional Public Transport Plan
- xiv) do not support any moves that could enable or lead to the future privatisation of Auckland's public transport
- xv) support the scope of the Transport CCO being specifically about service delivery with decisions on public transport policy, planning, prioritisation and investment being led by Auckland Council, including local boards
- xvi) support Auckland Council taking direct responsibility for the transport capital programme, renewals and maintenance
- xvii) do not support the requirement that Minister of Transport's approval is needed before Auckland Council can delegate functions to the CCO, and consider that Auckland Council is best placed to make decisions on solutions for Auckland

Auckland Regional Transport Committee (ARTC)

- xviii) support the establishment of the Auckland Regional Transport Committee and its purpose to develop and maintain a long-term strategic direction for land transport in Auckland that is shared by Auckland Council and the Government
- xix) recommend that of the three Auckland Council appointments to the Auckland Regional Transport Committee, one be a governing body member with urban insights, one be a governing body with rural insights i.e an elected representative from one of Auckland's two rural boards, and one local board chair nominated by the majority of local board chairs. The purpose of the local board representative would be to ensure that local implications and perspectives continue to be represented
- xx) request that references to local board views being obtained and considered to inform key decisions particularly in relation to the development of the Regional Land Transport Plan and draft 30-year transport plan is strengthened, including that a process for achieving that outcome be a requirement of the transition arrangement

Transition period

- xxi) support the expediency intended in suggesting a six-month transition period between March and September 2026, however consider that it is crucial that any establishment period enables local boards to meaningfully participate in the development of the next RLTP and strategic direction, and that supports the (Auckland Council) organisation to provide a level

- of service continuity. The board suggests that Auckland Council staff are best placed to advise on an effective transition period
- xxii) request that transitional arrangements be guided by the following principles:
- A. maintain all existing levels of service
 - B. deliver on contractual arrangements
 - C. ensure delivery of existing work programmes
 - D. provide continuity of service
 - E. ensure that there are no reduced customer satisfaction levels
 - F. staff are supported during the transition period
- xxiii) note that there is an assumption within the legislation that Auckland Council has a mechanism in place to actively support collaboration between boards, when this is not currently in place i.e. inter-board collaboration is not imbedded as a way of working at Auckland Council. Request that guidelines and resources be created which support local board collaboration, especially when transport outcomes extend beyond one local board area and that this be a requirement within transition arrangements
- xxiv) express concern about the feasibility of requiring Auckland Council to review all Auckland Transport bylaws policies and plans to give effect to the new division of responsibilities between the Governing Body and local boards before the end of the transitional period, noting:
- A. these all require an element of local board engagement and feedback
 - B. newly elected local board members will still be learning and understanding their roles
 - C. this work is to take place during a period where local boards are legislatively also required to develop a new local board plan and local board agreement.
 - D. the implementation of this legislation will not be within the timeframes to inform the three-year local board plans

Auckland Roding Classification Framework

- xxv) support Auckland Council developing, approving, and maintaining the Auckland Roding Classification Framework
- xxvi) note that the Auckland Roding Classification Framework must be approved by both the Governing Body and the Minister of Transport and request that local board views are sought and considered prior to the framework being approved
- xxvii) request that unformed legal roads (paper roads) form part of the Auckland Roding Classification Framework
- xxviii) support local boards having a decision-making role in classifying local and collector roads, noting that the purpose of local boards is to provide local insights in the management of Auckland Council assets
- xxix) recommend that Council be required to capture secondary functions of the road as this will enable context to be considered in the ongoing management of roads. For example if an arterial road is characterized as arterial rural, it may be treated differently than an arterial urban in terms of speed applications, maintenance schedules, design applications, delegations and regulation

E mahi ana mātou i te mahi mō Tāmaki Makaurau

- xxx) note that it is important that Auckland's rural context be reflected in the development of a classification context, to avoid future policy, planning and management decisions being skewed toward the urban context

Feedback on related matters

- xxxi) request a review by the independent Remuneration Authority to assess whether new determinations are needed and reflect the additional responsibilities being given to local board members
- xxxii) request the provision of appropriate training, support and quality advice to enable local boards to effectively exercise additional functions and responsibilities and that this support include (but not limited to):
 - A. appropriate subject matter expertise and quality advice to make effective decisions
 - B. the continuation of relationship management staff who can ensure quality governance and working relationships between local boards, the council transport subject matter experts and the Transport Council Controlled Organisation
 - C. information on transport assets in the local board area, including their condition
 - D. appropriate budget allocation to enable decision making
 - E. advice regarding legal implications regarding health and safety obligations and risks.
- xxxiii) request consideration of a baseline of levels of service for transport be developed and agreed between the Governing Body and local boards in order to provide regional consistency and coordination in service delivery but allow local boards to increase or decrease based on the needs of their communities.

CARRIED

Henderson-Massey Local Board

Resolution number HM/2025/143

16 September 2025

That the Henderson-Massey Local Board:

- a) tautoko / support the aim of this legislation to increase democratic accountability, local decision-making and public trust and confidence in transport decision-making.

Allocated Power to Local Boards

- b) tautoko / support the allocation of specific functions to Auckland local boards on local and collector roads.
- c) tautoko / support measures which provide local boards with greater authority and decision-making over council-owned property, such as the local roads and the road corridor. It not will only support local boards to deliver better transport outcomes, but also support them to deliver town centre improvements, place-making and economic development outcomes.
- d) tuhi tipoka / note its concern that lower priorities in the Government Policy Statement for Land Transport (GPS) may be higher priority to the local board and our community, for example, community safety, safe speeds, infrastructure for active modes and place-making, and that the limited budget allocated in the GPS for these activity classes may constrain our local board from delivering outcomes for their communities.
- e) kohuki / consider it necessary that the Henderson-Massey Local Board is consulted on transport decision making including the delivery of the transport capital programme, renewals and maintenance of transport infrastructure.
- f) tuhi tipoka / note that the proposal may impose additional responsibilities on local board members, so recommend that a review be undertaken by the independent Remuneration Authority to assess whether new determinations are needed.
- g) tūtohu / recommend additional staff resourcing to ensure that Local Board members are provided with the best quality advice to support the additional responsibilities.

Transport Bylaws

- h) tautoko / support the role of the Governing Body and local boards in making new bylaws, and that local boards should be involved in the development process.

Reformed Transport council-controlled organization (CCO)

- i) tautoko / support the formation of a reformed Transport CCO.
- j) tautoko / support the formation of a reformed Transport CCO and the function the CCO to focus on public transport services, including policy drafting plan, the Regional Land Transport Plan and the Regional Public Transport Plan.
- k) does not support the requirement that delegations to the reformed Transport CCO must be approved by the Minister of Transport. This function should be at the discretion of Auckland Council.
- l) tūtohu / recommend that current Kiwirail and NZTA powers and functions relating to public transport in Auckland be allocated to the reformed Transport CCO, to deliver complete and integrated services across Auckland's public transport network.

E mahi ana mātou i te mahi mō Tāmaki Makaurau

Auckland Regional Transport Committee

- m) tautoko / support establishing the Auckland Regional Transport Committee responsible for strategic transport planning, which includes the development of a 30-year transport plan for Auckland for joint approval by the Minister of Transport and Auckland Council.
- n) tautoko / support transport decision making as being the responsibility of Auckland Council, including the delivery of the transport capital programme, renewals and maintenance of transport infrastructure.
- o) tautoko / support Auckland Council becoming the road controlling authority for Auckland, but note that much work will need to be undertaken to re-integrate these functions into Auckland Council.
- p) tuhi tīpoka / note with concern that of 10 positions on the Auckland Regional Transport Committee, only three with voting rights are Auckland Council representatives, and that there is no representation from local boards on the Auckland Regional Transport Committee, as this may risk handing significant control and influence to central government.
- q) suggest that an additional Auckland Regional Transport Committee representative be provided by Auckland Council.

Transition Period

- r) does not support the proposed six-month transition period, being March to September 2026 as this is overly ambitious and does not allow enough time for a change process to occur.
- s) āhukahuka / acknowledge that during the change process, the wellbeing of staff in both organisations should remain a top priority, and that the short transition timeline will hinder this.
- t) kohuki / consider that six months is an insufficient amount of time to review all Auckland Transport bylaws, policies and plans, and recommend that a programme be implemented to review these before 1 September 2028, so as to alleviate the burden on staff and elected members.

Auckland Roding Classification Framework

- u) kohuki / consider that local boards should be jointly responsible alongside the Governing Body for the development, approval, and maintenance of the Auckland Roding Classification Framework before the end of the transition period, to ensure that there is clarity on which roads are controlled by each body.

Other

- v) tūtohu / recommend that guidelines be created which support local board collaboration, especially when transport outcomes extend beyond one local board area.
- w) tūtohu / recommend that regional baseline levels of service for transport are determined and agreed between the Governing Body and local boards to provide consistency and coordination in service delivery but allow local boards to increase or decrease based on the needs of their communities.

CARRIED

Hibiscus and Bays Local Board

Resolution number HB/2025/127

23 September 2025

That the Hibiscus and Bays Local Board:

- a) tuku / provide feedback on the Local Government (Auckland Council) (Transport Governance) Amendment Bill to inform the council's draft submission as follows.

Allocated powers to local boards (Schedule 4)

- i) support the allocation of powers, functions, and responsibilities in relation to local roads and collector roads to local boards
- ii) note that existing legislative constraints may restrict local boards from implementing desired community outcomes, for example where communities have supported slower speeds but this is no longer possible due to the Government's current Speed Rule prohibiting 30km/h as a speed-setting option
- iii) request advice and consideration on the extent to which the powers set out in Schedule 4 can be delegated, noting that almost all Road Controlling Authority (RCA) powers are currently exercised by Auckland Transport staff under delegation, and further request consideration of the distinction between governance and operational functions

Transport bylaws

- iv) support measures where new bylaws are developed in agreement between the Governing Body and local board
- v) note that the proposed framework where both the Governing Body and local boards must agree to a bylaw could create additional time and process on the bylaw development process

Reformed transport CCO

- vi) support the reformed Transport CCO to provide public transport services in Auckland
- vii) request clarity on the roles and responsibilities between Auckland Council as the road controlling authority, and the Transport CCO. For example, clarification is needed on who is ultimately responsible for public transport service and the associated infrastructure to effectively deliver the service such as bus shelters and bus lanes
- viii) request local board views are obtained and considered by the reformed Transport CCO in relation to providing public transport services in the local board area for example on new routes or services

Auckland Regional Transport Committee (ARTC)

- ix) support the establishment of the Auckland Regional Transport Committee and its purpose to develop and maintain a long-term strategic direction for land transport in Auckland that is shared by Auckland Council and the Government
- x) request that local board views are obtained and considered to inform key decisions particularly in relation to the development of the Regional Land Transport Plan and draft 30-year transport plan

Transition period

- xi) support the six month transition period between March and September 2026
- xii) request that transitional arrangements be guided by the following principles:
 - A) maintain all existing levels of service
 - B) deliver on contractual arrangements
 - C) ensure delivery of existing work programmes
 - D) continue delivering the Regional Land Transport Plan
 - E) provide continuity of service
 - F) ensure that there are no reduced customer satisfaction levels
 - G) staff are supported during the transition period.

Auckland Roding Classification Framework

- xiii) support Auckland Council developing, approving, and maintaining the Auckland Roding Classification Framework
- xiv) note that the Auckland Roding Classification Framework must be approved by both the Governing Body and the Minister of Transport and request that local board views are sought and considered prior to the framework being approved
- xv) request that unformed legal roads (paper roads) form part of the Auckland Roding Classification Framework.

Feedback on related matters

- xvi) request a review by the independent Remuneration Authority to assess whether new determinations are needed and reflect the additional responsibilities being given to local board members
- xvii) request the provision of appropriate training, support and quality advice to enable local boards to effectively exercise additional functions and responsibilities and that this support include (but not limited to):
 - A) appropriate subject matter expertise and quality advice to make effective decisions
 - B) the continuation of relationship management staff who can ensure quality governance and working relationships between local boards and the Transport CCO
 - C) information on transport assets in the local board area, including their condition
 - D) appropriate budget allocation to enable good decision making.
- xviii) request consideration of a baseline of levels of service for transport be developed and agreed between the Governing Body and local boards in order to provide regional consistency and coordination in service delivery but allow local boards to increase or decrease based on the needs of their communities
- xix) request that guidelines be created which support local board collaboration, especially when transport outcomes extend right against or beyond one local board area.

CARRIED

Howick Local Board

Resolution number HW/2025/188

18 September 2025

That the Howick Local Board:

- a) **tuku / provide the following feedback on the Local Government (Auckland Council) (Transport Governance) Amendment Bill to inform the council's draft submission:**
 - i) **regarding Auckland Transport, the Board:**
 - A) **note that Auckland Transport was created as a direct result of the Auckland Council legislation.**
 - B) **acknowledge the significant and genuine improvement in engagement with local boards that Auckland Transport has undertaken in the past few years, which has created a more constructive and positive working relationship.**
 - C) **acknowledge that the changes will have an unsettling effect on staff within Auckland Transport.**
 - ii) **regarding powers allocated to local boards (Schedule 4), the Board:**
 - A) **note that there will be a significant increase in workload for local board and request council strongly consider how they will support local boards (including new elected members) including quality advice, access to subject matter expertise, and remuneration.**
 - B) **support measures which provide local boards with greater authority and decision-making over council-owned property, such as the local roads and the road corridor. It will not only support local boards to deliver better transport outcomes, but also support them to deliver town centre improvements, place-making and economic development outcomes.**
 - C) **support strengthening local decision-making and democratic accountability – such as greater decision-making around parking control and enforcement.**
 - D) **request a review by the independent Remuneration Authority to assess whether new determinations are needed and reflect the additional responsibilities being given to local board members.**
 - E) **support a review of elected member remuneration to reflect expanded governance duties.**
 - F) **note that training, support, guaranteed resources, appropriate funding, staff advice, dedicated expert advisors, and asset data is fundamental to supporting local boards fulfilling these additional powers, functions and responsibilities successfully. It will significantly increase the workload for local board members, and therefore support should include (but is not limited to):**
 - 1) **appropriate subject matter expertise and advice is allocated to each local board to make effective decisions**
 - 2) **the continuation of relationship management staff who can ensure quality governance and working relationships between local boards and the Transport CCO**

- 3) suitable budget allocation, noting the impact of the Government Policy Statement for Land Transport (GPS).
- 4) information on transport assets in the local board area, including their condition
- 5) intellectual property, information and databases on transport matters and are relevant to the local board area
- 6) ensuring transport strategy, policy and planning is coordinated and integrated with the newly-established Auckland Development Office to ensure broader urban development and place-making outcomes.
- G) support shared bylaw-making powers between the Governing Body and local boards.
 - 1) However, there may be delays in delivery as a result.
 - 2) There should be mediation procedures in place to be able to deal with situations where the Governing Body and Local Boards disagree.
- H) note that, for the Howick Local Board area, some key priorities are, school access and safety, crossings, speed management, and cycle/footpath links near Colleges, Intermediates and local Primary schools. Also, Eastern Busway integration, connecting routes, walking & cycling connections, and safe access to bus stations.
- I) support ensuring that roading projects align with flood mitigation and environmental protection.
- J) support minimum response times for safety issues and renewals, with options to escalate issues when regional priorities conflict with urgent local needs.
- iii) regarding transport bylaws, the Board:
 - A) support that local boards have more direct say over bylaws, although acknowledge the complexity and risk with having 21 local boards to consult.
 - B) note the Board's previous feedback (HW/2025/11) that we must have "clearer enforcement mechanisms" and budgets - and "acknowledge that intensification of housing is putting pressure on existing parking capacity, resulting in more parking off the roadway and more needs to be done to address the issues that cause and result from this."
- iv) regarding the reformed transport CCO, the Board:
 - A) support the consolidation of planning and policy into Auckland Council on the basis that transport is a critical part of the wider planning and policy delivery for Auckland and should not be managed in isolation.
 - B) support the proposal that Auckland Council becomes the road controlling authority for the city, which finally aligns Auckland with the rest of the country.
 - C) note that, while the reformed transport CCO will be responsible for public transport services, there is a direct connection to the roads they operate on/near (such as bus lanes, rail crossings) and therefore still requires cooperation with the road controlling authority. Further clarity is required to understand the roles and responsibilities between Auckland Council as the road controlling authority, and the Transport CCO
 - D) note the existing complications of the multiparty setup of the Auckland passenger rail network and suggest that this is a good opportunity to review this to streamline the arrangements to deliver better outcomes for Auckland. Current KiwiRail and NZTA powers and functions relating to public transport in Auckland could be allocated to

- the Transport CCO to enable complete and integrated services across Auckland's public transport network.
- E) note that new responsibilities will fail without resourcing. Local boards will need dedicated opex and capex for local road responsibilities.
- F) support the continuation of the Local Board Transport Capital Fund.
- v) regarding the Auckland Regional Transport Committee (ARTC), the Board:
 - A) do not support any model that centralises decision-making power in the Auckland Regional Transport Committee that minimises local voices.
 - B) suggest that Local Boards have at least one (if not three) representatives on the ARTC to align with their significant involvement in the delivery of transport.
 - C) support the non-voting membership of NZTA, KiwiRail, and reformed public transport CCO.
 - D) support the requirement to have a 30-year transport plan for the city, providing much needed future planning and infrastructure delivery.
- vi) regarding the transition period, the Board:
 - A) note that a six-month transition may be too short and unreasonable. It is insufficient to review all Auckland Transport bylaws, policies and plans. Rather, it is recommended that they remain in place, and be reviewed by no later 1 September 2028, with measures in place to protect residents and local areas from service gaps. This arrangement is similar to the review process for legacy council bylaws following the creation of Auckland Council.
 - B) support the proposed timeline for transition, noting that the impact on staff and delivery may increase if the period is extended.
 - C) recommend that transitional arrangements be guided by the following principles:
 - 1) maintain all existing levels of service.
 - 2) deliver on contractual arrangements.
 - 3) ensure delivery of existing work programmes and projects.
 - 4) provide continuity of service.
 - 5) ensure that there are no reduced customer satisfaction levels.
 - 6) staff are supported during the transition period.
- vii) regarding the Auckland Rooding Classification Framework, the Board:
 - A) support the development of a clear and agreed classification framework.
 - B) suggest that for intersections of local and arterial/city centre roads, priority is given to the busier road (non-local board) but require the Governing Body to consult with the relevant local board before any decisions are made.
 - C) recommend that unformed legal roads (paper roads) form part of the Auckland Rooding Classification Framework.
 - D) question whether the Minister of Transport needs to approve the Auckland Rooding Classification Framework prior to it being approved by the Auckland Council as this creates more bureaucracy for little benefit.
- viii) regarding other considerations, the Board:

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- A) request clarification on whether the Governing Body or local boards will be responsible for unformed legal roads (paper roads).
- B) propose that guidelines be created which support local board collaboration, especially when transport outcomes may extend beyond one local board area.
- C) propose that baseline regional base levels of service for transport are determined and agreed between the Governing Body and local boards. This will provide consistency and coordination in service delivery but allow local boards to increase or decrease based on the needs of their communities.
- D) note that the issues being experienced in the local board area have been exacerbated by the removal of Council's ability to require developers to provide off-street parking. As a result, newer communities, like Flat Bush, are experiencing issues where movement and use in and around the narrow road carriageways are causing many issues e.g. ease of access for emergency vehicles.
- E) support increased local board decision making on local roads and collector roads and suggests that boards be given the ability to make decisions on the carriageway e.g. including the minimum requirements for width. This will unlock the ability for local boards to create the types of roading infrastructure that will complement the characteristics of the area.

CARRIED

Kaipātiki Local Board

Resolution number [KT/2025/482](#)

17 September 2025

That the Kaipātiki Local Board:

- a) tāpae / delegate Members Raymond Tan, Janet Tupou and Tim Spring the responsibility of preparing and submitting the local board input into Auckland Council's submission on the Local Government (Auckland Council) (Transport Governance) Amendment Bill, noting that:
 - i) feedback is due by COB on 24 September 2025 to be appended;
 - ii) proposed board feedback will be circulated to all members via email for comment and indicative approval prior to it being submitted; and
 - iii) finalised board feedback will be placed on the next available business meeting agenda for noting purposes.

CARRIED

Kaipātiki Local Board Feedback on Local Government (Auckland Council) (Transport Governance) Amendment Bill

Topic one – Allocated powers to local boards ([Schedule 4](#))

The full list of proposed local board allocated powers is [here](#).

Local boards will have allocated powers, functions, and responsibilities in relation to local roads and collector roads. This includes, but is not limited to:

- form or upgrade footpaths, form a public cycle track, and determine what part of a road must be a carriageway, footpath or cycle track
- install additional and temporary traffic signals and provide traffic control devices
- responsibility of a territorial authority that is a road controlling authority in relation to speed limits, including around schools
- authorise any part of a road for use as a parking place
- mark a pedestrian crossing on a road and provide a school crossing point
- erect a monument, statue or other erection and lay out or plant grass plots, flower beds, or trees on a road and prohibit traffic on those plots or flower beds
- grant a lease of the airspace above the surface of the road close a road to traffic and authorise a community street.

General comments:

We would like to thank the staff for the opportunity to canvass our feedback on the proposed transport governance reform amendment bill. We support the changes to align longer-term transport

planning priorities between government and Auckland Council, and to increase democratic accountability, local decision-making and public trust and confidence.

The key messages from our feedback are:

1. We support measures which provide local boards with greater authority and decision-making over council-owned property, such as the local roads and the road corridors. It not will only support local boards to deliver better transport outcomes, but also support them to deliver town centre improvements, place-making and economic development outcomes.

For example, local board greenways plans are currently limited and fragmented because their scope is limited to parks and open spaces. By having greater authority, local boards can create plans that have greater integration between parks and local roads and the road corridor.

2. We note that there are existing legislative constraints which may restrict local boards to implement identified desired community outcomes. For example, certain communities have previously supported slower speeds, but this is no longer an option due to the Government's current Speed Rule prohibiting 30km/h as a speed-setting option.
3. We note that could be an inherent tension as lower priorities in the Government Policy Statement for Land Transport (GPS) may be higher priority to local boards and their communities. This includes community safety, safe speeds, infrastructure for active modes and place-making. The limited budget allocated in the GPS for these activity classes may constrain local boards to deliver outcomes for their communities.
4. We request a review by the independent Remuneration Authority to assess whether new determinations are needed and reflect the additional responsibilities being given to local board members.
5. We acknowledge that training, support and quality advice is fundamental to supporting local boards' fulfilling these additional powers, functions and responsibilities successfully. It will significantly increase the workload for local board members, and therefore support should include (but is not limited to):
 - appropriate subject matter expertise and advice is allocated to each local board to make effective decisions
 - appropriate and reasonable turnaround times/deadlines to make these decisions
 - the continuation of relationship management staff who can ensure quality governance and working relationships between local boards and the Transport CCO
 - suitable budget allocation
 - information on transport assets in the local board area, including their condition
 - intellectual property, information and databases on transport matters and are relevant to the local board area
 - ensuring transport strategy, policy and planning is coordinated and integrated with the newly established Auckland Urban Development Office to ensure broader urban development and place-making outcomes

Reformed Transport CCO

6. Support the reformed Transport CCO to provide public transport services in Auckland, noting:

- further clarity is required to understand the roles and responsibilities between Auckland Council as the road controlling authority, and the Transport CCO. For example, clarification is needed on who is ultimately responsible for public transport service and infrastructure within the road corridor
- current KiwiRail and NZTA powers and functions relating to public transport in Auckland could be allocated to the Transport CCO, as doing this would deliver complete and integrated services across Auckland's public transport network
- the Minister of Transport must approve any provisions where Auckland Council delegates certain powers or functions to the Transport CCO.

Auckland Roding Classification Framework

7. Support Auckland Council developing, approving, and maintaining the Auckland Roding Classification Framework.
8. Recommend Section 48(2) include provision for rural roads, as they have unique and differing requirements to local or collector roads.
9. Recommend if rural roads are not included within the legislation, they become a dedicated classification in Auckland Roding Classification Framework.
10. Recommend that unformed legal roads (paper roads) form part of the Auckland Roding Classification Framework.
11. Questions whether the Minister of Transport must approve the Auckland Roding Classification Framework prior to it being approved by the Auckland Council.

Transport bylaws

12. Support measures where new bylaws are developed in agreement between the Governing Body and local boards.
13. Note that the proposed framework where both the Governing Body and local boards must agree to a bylaw is likely going to create additional time and process on the bylaw development process.

Transition period

14. Support the transition period between March 2026 and September 2026.
15. Recommend that transitional arrangements be guided by the following principles:
 - maintain all existing levels of service
 - deliver on contractual arrangements
 - ensure delivery of existing work programmes
 - provide continuity of service
 - ensure that there are no reduced customer satisfaction levels
 - staff are supported during the transition period.
16. Considers that six months is an insufficient amount of time to review all Auckland Transport bylaws, policies and plans. Rather, it is recommended that they remain in place and be reviewed by no later than 1 September 2028. This arrangement is similar to the review process for legacy council bylaws following the creation of Auckland Council.

17. This timeframe places an unreasonable burden on staff and local board members. The review of these bylaws, policies and plans will require an element of local board engagement and feedback, and this is unreasonable to expect of local board members who will be learning about their new responsibilities per Schedule 4 of the Bill and undertaking their existing responsibilities during this period. For example, local boards are legislatively required to develop a new local board plan and develop a local board agreement between January 2026 and September 2026.

Other considerations/comments:

18. Propose that guidelines be created which support local board collaboration, especially when transport outcomes may extend beyond one local board area.
19. Propose that baseline regional base levels of service for transport are determined and agreed between the Governing Body and local boards. This will provide consistency and coordination in service delivery but allow local boards to increase or decrease based on the needs of their communities.
20. We have mixed views on the recommendation for a dedicated technical support team to assist local boards by providing technical expertise, data analysis, and project management support for locally funded transport initiatives. In particular, the level of expertise and cost considerations need to be clarified. We would also like to see a faster turnaround for information requested, such as asset condition updates, budget blow-outs, or project delays.
21. To ensure the continued enhancements of members' capability and capacity, and the value-for-money principles are followed, a dedicated ring-fenced budget must be allocated to Kaipātiki Local Board to ensure resources are not unnecessarily wasted in competing with larger, region-wide projects that would have a significant impact on the local community, particularly near schools and healthcare services.
22. With its new responsibilities, Kaipātiki Local Board's goal is to integrate transport governance with a "whole-of-system" approach with place-making, urban development (town centres, community and transport hubs), and community wellbeing strategies (community facilities and local parks). This means viewing transport not as a standalone activity but as a key enabler for creating vibrant, connected, and sustainable communities, which in turn boosts economic activity and supports our small and medium businesses.
23. Kaipātiki Local Board would also like to see greater multi-board coordination to ensure a consistent approach to making decisions on connecting transport links i.e. local and collector roads to arterial roads and highways/motorways.
24. We hold mixed views on the establishment of the Auckland Regional Transport Committee responsible for strategic transport planning. Further clarity is needed on its structure, processes, and the extent of its control and influence, to better understand the committee's responsibilities.

Any other comments?

25. Seek clarification on whether the Governing Body or local boards will be responsible for unformed legal roads (paper roads).

Topic two – [Transport bylaws](#)

Before the end of the transitional period, Auckland Council must review all Auckland Transport bylaws to give effect to the new division of responsibilities between the Governing Body and local boards.

Under the new framework, to make a bylaw, the Governing Body and each local board must agree.

However, a bylaw may still be made if:

- the Governing Body and a majority of local boards agree, and
- the Governing Body considers that those local boards that have not agreed have unreasonably withheld their agreement.

The key messages from our feedback are:

We support the role of the Governing Body and local boards in making new bylaws.

To minimise potential conflict and to foster closer collaboration, the Governing Body, ward councillors and local board chairs and its delegates should regularly convene in joint committees/working groups to discuss transport issues raised by the communities. This would promote a culture of collaboration and mutual respect, exchange of ideas, alignment of priorities, and the early identification of potential conflicts.

We reiterate our earlier feedback that six months is an insufficient amount of time to review all Auckland Transport bylaws, policies and plans. Rather, it is recommended that they remain in place and be reviewed by no later than 1 September 2028. This arrangement is similar to the review process for legacy council bylaws following the creation of Auckland Council.

Topic three – [Reformed transport CCO](#)

The purpose of the reformed transport CCO is to provide public transport services in Auckland that connect communities in an efficient, effective, and safe manner.

Auckland Council may delegate responsibilities, duties, functions, and powers to the transport CCO if:

- council is satisfied it is appropriate; and
- the Minister of Transport approves the delegation.

The governing body of the transport CCO is a board of directors (3–5 directors, including chairperson and deputy chairperson) appointed by Auckland Council.

Auckland Council will be directly responsible for:

- regional transport policy and planning including the approval of the regional land transport plan and regional public transport plan
- delivering the transport capital programme and renewals and maintenance of transport infrastructure
- functions as the road controlling authority for Auckland wide ranging functions covering policy, regulatory and operational matters including the power to make bylaws.

The key messages from our feedback are:

1. We support the purpose and functions of the reformed transport CCO
2. We support the new areas identified in the Bill for which Auckland Council will be directly responsible.
3. Kaipātiki Local Board advocates further fine tuning the balance between central control and local autonomy, in particular:
 - a. focused on specific outcome-based models/deliverables instead of static deliverables (e.g. X kms of cycleway, number of carparks in a 20km area) into the CCO Statement of Intent to Council and the Governing Body commitment to the Local Board/Ward (e.g. increase volume-capacity-ratio of specific roads critical for economic development and aligned to future areas of housing intensification)
 - b. established clearer performance framework e.g. achievement of efficiency / savings targets for Local Board controlled budgets.
 - c. Incorporate place-making and urban development metrics e.g. percentage of new public transport services that integrates with community facilities or improvements in pedestrian accessibility to town centres or customer accessibility to Kaipātiki Business Areas.
4. We reiterate our earlier feedback that:
 - a. further clarity is required to understand the roles and responsibilities between Auckland Council as the road controlling authority, and the Transport CCO. For example, clarification is needed on who is ultimately responsible for public transport service and infrastructure within the road corridor
 - b. current KiwiRail and NZTA powers and functions relating to public transport in Auckland could be allocated to the Transport CCO, as doing this would deliver complete and integrated services across Auckland's public transport network

Topic four – [Auckland Regional Transport Committee \(ARTC\)](#)

The Auckland Regional Transport Committee's purpose is to develop and maintain a long-term strategic direction for land transport in Auckland that is shared by Auckland Council and the Government.

Proposed composition:

- 1 independent chair (casting vote)
- 3 crown appointees
- 3 Auckland Council Governing Body representatives
- 1 NZTA representative (non-voting)
- 1 KiwiRail representative (non-voting)
- 1 transport CCO representative (non-voting)

Responsibilities of the ARTC:

- draft the regional land transport plan
- draft the 30-year transport plan, for approval by both Auckland Council and the Minister of Transport.

Objectives of the 30-year transport plan:

- productivity and economic growth
- safe and rapid movement of people and goods efficient asset management

The key messages from our feedback are:

- 1.** We support the proposed composition of the ARTC
- 2.** We support the proposed functions and responsibilities of the ARTC
- 3.** We support the objectives of the 30-year transport plan, but would like to see an established term of reference / policy in relation to the rules of engagement between local boards and ARTC on the transport plan:
 - a. Individual public feedback should be submitted through the local board to provide a consolidated, formal submission that represents the collective view of their communities. This submission should highlight local priorities, identify potential conflicts gathered through structured and facilitated local board public engagement workshops, meetings and online forums. The findings adequately themed will be used to inform the local board formal submissions to the ARTC directly.
 - b. Local boards should have the right to present their formal submissions to the ARTC directly and not through the ward councillors.
 - c. Establish a Regular Liaison Framework recognising the Transport System as a network and appointing a specific member or dedicated staff to act as a liaison with a cluster of local boards e.g. Northern Wards

<p>d. The ARTC should be required to provide regular reports to local boards and wards on the progress of the 30-year transport plan. This report should not just be a summary of work completed but should contain specific detail (e.g. estimated completion dates, budgets expended) to provide transparency how local board feedback has been considered and incorporated into the plan.</p> <p>4. While acknowledging the 30-year transport plan is a high-level strategic document, local boards should be empowered to formally influence the inclusion of projects that are critical for their communities, such as transport hubs, road safety improvements, cycleways and parking capacity related to economic development e.g. retail, major events, manufacturing and engineering services. Local boards can contribute more accurately to the evidence base by providing detailed data on local issues for well-informed and transparent decision-making.</p> <p>5. If the Kaipātiki Local Board is to have full ownership of the Local and Connector Roads Asset Management Plan, full visibility of the Road Assets Lifecycle Plans at the asset and network level in the local board area needs to be collated presented in a way that supports local board decision-making.</p>
<p><i>Any other comments?</i></p>

Topic five – [Transition period](#)

Transition timeline

March 2026: Bill expected to receive royal assent.

- Auckland Council Chief Executive appoints a transition director.
- Transition director develops a transition plan, approved by the Governing Body.

March – September 2026 (six-month transition period)

- implementation of transition plan
- review of all Auckland Transport bylaws, policies, and plans
- Auckland Rooding Classification Framework completed.

By June 2026: Auckland Regional Transport Committee members appointed.

Date set by Minister of Transport and Mayor: First 30-year transport plan to be completed.

The key message from our feedback is:

1. We support the proposed six-month transition period (March–September 2026)
2. We reiterate our earlier feedback that transitional arrangements should be guided by the following principles:
 - maintain all existing levels of service
 - deliver on contractual arrangements
 - ensure delivery of existing work programmes
 - provide continuity of service
 - ensure that there are no reduced customer satisfaction levels
 - staff are supported during the transition period.

Any other comments?

Topic Six – Auckland Roding Classification Framework

Auckland Council must develop, approve, and maintain the Auckland Roding Classification Framework before the end of the transition period.

Auckland Council will be responsible for developing and approving the Auckland Roding Classification Framework, which must be approved by both the Governing Body and the Minister of Transport.

Local boards will have powers over local and collector roads, except for within the city centre.

The key messages from our feedback are:

- 1.** The Auckland Roding Classification Framework is centred around the identification of roads and streets. Local boards are best placed to provide the perspectives of local needs and aspirations, particularly the “place” function of roads. Local boards should be the primary contributors of qualitative data about the community function of local cycleways, footpaths, streets, roads and town centres that is grounded in reality, community behaviour and not just static traffic models. Local boards must be active participants in the classification process.
- 2.** Due to the competing functions of arterial roads (movement/flow) and local roads (place) which add to the complexity of decision-making at the intersections, Kaipātiki Local Board suggests:
 - a. Establishing a formal inter-entity committee (Transport CCO, Governing Body and local boards) that moves beyond mere consultation to formal, collaborative decision-making
 - b. Creating MOUs for all projects involving these intersections that outlines engagement (communication) processes, roles and responsibilities (e.g. budgets, timing, variations) that clearly identify trigger points for joint decision-making, criteria used for prioritisation (e.g. critical factors, ranking methodology) that will have a significant impact on design principles and construction costs
 - c. Establishing a dispute resolution mechanism to avoid project paralysis and costs due to delays
 - d. Enabling a clearly defined escalation path to Governing Body / ARTC as soon as possible.
- 3.** We recommend mandating a “place-making/economic development” impact assessment that evaluates the effects of pedestrian amenity, local businesses, community accessibility, and local area characteristics.
- 4.** We recommend ensuring a multi-disciplinary approach to project planning, initiation and implementation that includes not only transport engineers, but also urban designers, landscape architects, community engagement specialists to enable both the technical and human aspects of the desired project outcomes.
- 5.** We recommend ensuring a co-design process with local boards and affected communities, in contrast to the current “inform and consult” model that has caused much distrust of Auckland Council and AT. Good practices could include creating a “Community Reference Group” and the use of visualisation and digital tools to enable better understanding for non-technical public. This change will avoid a fragmented, conflict prone process to a collaborative, integrated model.

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| <p>6. We expect that the local boards will have full authority to influence how the principles of the ARC Framework are applied in their area, particularly regarding parking, amenities and public spaces.</p> |
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Māngere-Ōtāhuhu Local Board

Resolution number MO/2025/152

17 September 2025

That the Māngere-Ōtāhuhu Local Board:

- a) tuku / provide the following feedback on the Local Government (Auckland Council) (Transport Governance) Amendment Bill to inform the council's draft submission:
 - i) note that the Māngere-Ōtāhuhu Local Board area has one of Auckland's highest proportions of low-income households, with many residents' dependent on affordable and reliable public transport. Shift work, especially linked to nearby, retail, freight, and logistics hubs, is a major feature of local employment. Transport decisions that do not recognise these realities risk worsening inequities and reducing access to work, education, and essential services. The Local Board's feedback seeks to highlight critical needs, risks, and opportunities to ensure the Bill delivers better outcomes for our communities
 - ii) Governance Arrangements
 - A. support in principle the move to a three-tiered governance structure for transport but note the risk that the Auckland Regional Transport Committee (ARTC) may concentrate influence with central government, potentially sidelining local priorities
 - B. request clearer accountability between ARTC and the Governing Body for the Regional Land Transport Plan (RLTP) to avoid duplication and delay
 - C. ARTC includes Local board representative - recommend that at least one Auckland Council Governing Body appointee to the ARTC be selected from local board membership to ensure strong local representation
 - D. emphasise that diversity must be a high selection criterion for ARTC appointments, ensuring fair representation of communities such as Māngere-Ōtāhuhu
 - E. affordability - reiterate that local needs, particularly in low-income areas, must be prioritised, including affordable and reliable public transport services
 - F. Te Tiriti o Waitangi - affirm that all governance and decision-making processes must uphold Te Tiriti o Waitangi principles, ensuring mana whenua partnership and input are integral to transport planning and delivery
 - iii) Schedule 4 – Local Board Powers
 - A. support the transfer of decision-making powers over local and collector roads to local boards to improve safety, accessibility, and place-making outcomes
 - B. note with concern that new responsibilities must be matched with sufficient funding, strategic advice, and staff support, given previous experience where increased responsibilities were not supported by adequate budgets
 - C. provide the example that local safety projects, such as all walking and cycling connections in locally, cannot progress without both decision-making powers and funding
 - D. Welcomes the intent of Schedule 4 to increase local board decision-making over local and collector roads, enabling stronger alignment with community priorities, place-

making, and equity outcomes. However, the Board notes the risk that additional responsibilities will place greater pressure on the availability of contractors to deliver local projects. The Board emphasises the need to build local provider capacity, particularly Māori and Pasifika businesses, and recommends that Auckland Council and the Transport CCO support training, inclusive procurement, and equitable access to opportunities so that communities such as Māngere-Ōtāhuhu can fully realise these benefits

- iv) Reformed Transport CCO
 - A. support a reformed Transport CCO with a dedicated focus on delivering an efficient, reliable, and affordable public transport system
 - B. request clarity on the respective roles and responsibilities between Auckland Council as road controlling authority and the Transport CCO as service provider
 - C. highlight that in Māngere-Ōtāhuhu, shift workers in industries such as Airport Oaks and freight logistics depend on early morning and late-night services, which must be maintained and improved
- v) Auckland Roding Classification Framework
 - A. support the development of a Roding Classification Framework that balances freight movements with community safety and livability
 - B. request mechanisms for meaningful local board involvement in decision-making where local and collector roads intersect with arterial routes
 - C. note that freight routes through Favona and Māngere industrial areas run through residential neighbourhoods, creating safety and amenity issues that must be addressed
 - D. emphasise that mana whenua input is critical in the framework's development and that processes must adhere to Te Tiriti o Waitangi.
- vi) Transport Bylaws
 - A. support shared bylaw-making powers between Governing Body and local boards but note the potential for delays due to the requirement for dual approval
 - B. reiterate that bylaws must reflect local priorities, such as community-supported slower speeds around schools and town centres, which have been constrained by current Government speed rules
- vii) Transition Period
 - A. support the principle of a transition period from March to September 2026, with a focus on continuity of service and community confidence
 - B. note concern that six months is insufficient to review all bylaws and plans, especially when local boards will also be preparing new Local Board Plans and Local Board Agreements during the same period
 - C. recommend that bylaws and policies remain in force until at least 1 September 2028, with reviews phased to ensure proper engagement and manageable workloads
- viii) General
 - A. request clarification of responsibilities for unformed legal roads (paper roads)
 - B. recommend the development of guidelines to support collaboration between local boards on transport outcomes that extend across board boundaries

- C. request that baseline regional service levels for transport be established between the Governing Body and local boards, with flexibility for local boards to adjust based on community needs
 - D. recommend that the Remuneration Authority review local board member responsibilities to ensure they are adequately resourced and compensated for the increased workload
 - E. emphasise the need for quality staff advice, access to asset data, and integration with the Auckland Development Office to ensure decisions support place-making, urban development and procurement support.
- ix) Key Messages
- A. resources: while more decision-making is welcomed, new responsibilities must come with sufficient resources, staff advice, and data access. Past unfunded responsibilities have caused budget shortfalls that limit community delivery
 - B. governance and representation: the Auckland Regional Transport Committee must reflect Auckland's diversity, include local board representation, and ensure mana whenua input upholds Te Tiriti o Waitangi
 - C. request that the Local Board Transport Capital Fund (LBTCF) continue to be available. This fund enables the board to deliver local transport projects that meet community needs, including bus shelters, footpaths, cycling infrastructure, and traffic calming. Continuation of the LBTCF is vital to support safer streets, improved public transport access, and better active transport opportunities for residents
 - D. revenue: the local board calls for explicit provisions in the Bill requiring that all revenues generated from local transport-related sources, including parking fees, be reinvested into local transport services and infrastructure to directly benefit our communities, rather than being absorbed into general or unrelated budgets
 - E. local priorities: safe streets, improved walking and cycling connections, and affordable public transport must not be sidelined by regional or national priorities. Good governance requires transport works for all Aucklanders, especially in communities like Māngere-Ōtāhuhu where equity is critical.
- b) delegate authority to the Chair to make minor adjustments to the local board's feedback on the Local Government (Auckland Council) (Transport Governance) Amendment Bill, noting that any changes will be limited to corrections of grammar, wording, or minor changes and additions that do not alter the intent of the Board's feedback.

CARRIED

Manurewa Local Board

Resolution number MR/2025/141

18 September 2025

That the Manurewa Local Board:

- a) tuku / provide the following feedback on the Local Government (Auckland Council) (Transport Governance) Amendment Bill to inform the council's draft submission:

Allocated powers to local boards (Schedule 4):

- i) support the allocation of powers, functions, and responsibilities in relation to local roads and collector roads to local boards
- ii) request advice and consideration on the extent to which the powers set out in Schedule 4 can be delegated, noting that almost all Road Controlling Authority (RCA) powers are currently exercised by Auckland Transport staff under delegation, and further request consideration of the distinction between governance and operational functions
- iii) note that there could be an inherent tension where lower priorities in the Government Policy Statement for Land Transport (GPS) may be higher priority to local boards and their communities. This includes community safety, safe speeds, infrastructure for active modes and place-making. The limited budget allocated in the GPS for these activity classes may constrain local boards in delivering outcomes for their community
- iv) note that there needs to be transparent decision-making that will ensure public accountability and understanding
- v) note there will need to be opportunities for public consultation and therefore local boards need to be provided with sufficient time to enable meaningful consultation with their community

Transport bylaws:

- vi) support measures where new bylaws are developed in agreement between the Governing Body and local boards
- vii) note that the proposed framework where both the Governing Body and local boards must agree to a bylaw could create additional time and process on the bylaw development process
- viii) note that there needs to be a balance between allowing for local nuance and determination and regional consistency

Reformed transport CCO

- ix) support the reformed Transport CCO to provide public transport services in Auckland
- x) request clarity on the roles and responsibilities between Auckland Council as the road controlling authority, and the Transport CCO. For example, clarification is needed on who is ultimately responsible for public transport services and their associated infrastructure to effectively deliver the services, such as bus shelters and bus lanes
- xi) request local board views are obtained and considered by the reformed Transport CCO in relation to providing public transport services in the local board area for example on new routes or services

E mahi ana mātou i te mahi mō Tāmaki Makaurau

- xii) do not support any moves that could enable or lead to the future privatisation of Auckland's public transport

Auckland Regional Transport Committee (ARTC)

- xiii) support the establishment Auckland Regional Transport Committee and its purpose to develop and maintain a long-term strategic direction for land transport in Auckland that is shared by Auckland Council and the Government
- xiv) support the ministerial involvement in the 30-year transport plan as long as there is clear accountability to and communication with local boards
- xv) request that local board views are obtained and considered to inform key decisions particularly in relation to the development of the Regional Land Transport Plan and draft 30-year transport plan
- xvi) request that the 30-year transport plan is developed alongside Central Government plans and strategies to ensure there is alignment between transport and other infrastructure such as housing and water
- xvii) note that there needs to be a level of congruency with local plans, for example the local boards' Emergency Response and Readiness Plans
- xviii) request clarity on how funding allocations and decisions will be made across the GPS, 30-year transport plan and the RLTP

Transition period

- xix) support the 6 month transition period between March and September 2026
- xx) request that transitional arrangements be guided by the following principles:
 - A) maintain all existing levels of service
 - B) deliver on contractual arrangements
 - C) ensure delivery of existing work programmes
 - D) provide continuity of service
 - E) ensure that there is not a reduction in customer satisfaction levels
 - F) staff are supported during the transition period.
- xxi) request a review after 12 months to ensure that there were no key elements missed or overlooked during the transition, given the short timeframe
- xxii) express concern about the feasibility of requiring Auckland Council to review all Auckland Transport bylaws policies and plans to give effect to the new division of responsibilities between the Governing Body and local boards before the end of the transitional period, noting:
 - A) these all require an element of local board engagement and feedback
 - B) newly elected local board members will still be onboarding understanding their roles
 - C) this work is to take place during a period where local boards are legislatively also required to develop a new local board plan and local board agreement

Auckland Roding Classification Framework

- xxiii) support Auckland Council developing, approving, and maintaining the Auckland Roding Classification Framework

E mahi ana mātou i te mahi mō Tāmaki Makaurau

- xxiv) note that the Auckland Roding Classification Framework must be approved by both the Governing Body and the Minister of Transport and request that local board views are sought and considered prior to the framework being approved to ensure consistency in advice and implementation
- xxv) request that unformed legal roads (paper roads) form part of the Auckland Roding Classification Framework.

Feedback on related matters

- xxvi) request a review by the independent Remuneration Authority to assess whether new determinations are needed and reflect the additional responsibilities being given to local board members
 - xxvii) request the provision of appropriate training, support and quality advice to enable local boards to effectively exercise additional functions and responsibilities and that this support include (but not limited to):
 - A) appropriate subject matter expertise and quality advice to make effective decisions
 - B) the continuation of relationship management staff who can ensure quality governance and working relationships between local boards and the Transport CCO
 - C) information on transport assets in the local board area, including their condition
 - D) appropriate budget allocation to enable decision making
 - xxviii) request consideration of a baseline of levels of service for transport be developed and agreed between the Governing Body and local boards in order to provide regional consistency and coordination in service delivery but allow local boards to increase or decrease based on the needs of their community
 - xxix) request that guidelines be created which support local board collaboration, especially when transport outcomes extend beyond one local board area as it is important that a network approach is retained. This could include regional and /or sub-regional quarterly meetings with delegated members from Governing Body and local boards
- b) delegate to the chair the ability to make minor amendments to the board's feedback if required.

CARRIED

Maungakiekie-Tāmaki Local Board

Resolution number MT/2025/158

23 September 2025

That the Maungakiekie-Tāmaki Local Board:

- a) Support in principle the allocated powers under the Bill to Local Boards, where in the first year of the term there are clear plans to upskill members in transport governance matters, ensuring they are well-prepared to successfully take on additional responsibilities in years two and three of the term.
- b) Support measures which provide local boards with greater authority and decision-making over council-owned property, such as the local roads and the road corridor, noting that this will not only support local boards to deliver better transport outcomes, but also support them to deliver town centre improvements, place-making and economic development outcomes.
- c) Emphasise that training, support and quality advice are fundamental to supporting local boards' fulfilling these additional powers, functions and responsibilities successfully, noting that this will significantly increase the workload for members, and therefore support should include, but not be limited to:
 - i) allocation of appropriate subject matter expertise and advice to each local board to make effective decisions
 - ii) continuation of relationship management staff to ensure quality governance and working relationships between local boards and the Transport CCO
 - iii) suitable budget allocation
 - iv) access to information on transport assets in the local board area, including their condition
 - v) access to intellectual property, information and database on transport matters relevant to the local board area
 - vi) ensuring transport strategy, policy and planning is coordinated and integrated with the newly established Auckland Development Office to ensure broader urban development and place-making outcomes.
 - vii) mandatory elected member training to ensure elected members are equipped with knowledge and resources to adequately carry out their responsibilities and fulfil their duties.
- d) support transport governance being embedded within a holistic planning approach where local boards are supported to align transport decisions with their broader strategic goals through integrated planning tools, cross-departmental collaboration, and consistent access to relevant data and expertise.
- e) support clear decision-making frameworks, targeted community engagement tools, and adequate operational support, alongside communication strategies to raise community awareness of local boards' new roles and how residents can participate in shaping decisions about their local transport environment.
- f) note that existing legislative constraints may restrict local boards in implementing identified community outcomes, for example where communities have previously supported slower speeds, but the government's current Speed Rule prohibits 30km/h as a speed-setting option.

E mahi ana mātou i te mahi mō Tāmaki Makaurau

- g) note that already pressured timeframes for decision-making are likely to condense further, increasing risk for local boards being unable to make effective decisions.
- h) Request that the independent Remuneration Authority undertake a review to assess whether new determinations are required to reflect the additional responsibilities and time required of local board members to carry out their duties effectively.
- i) note that, in principle, the allocation of these powers should enable local boards to be more responsive to local needs and preferences, but request further clarity on how this would operate in practice, including where responsibility for community engagement would sit, and seek assurance that local boards will be adequately resourced to carry out these responsibilities effectively.
- j) support changes that will give effect to transport bylaws where there are clearly defined roles and decision-making that include local board input, ensuring timely and coordinated decision-making and implementation agreed upon by the Governing Body and local boards. Further note the need to strengthen enforcement capacity, implement regular review cycles, and enhance transparency to improve public understanding and adherence.
- k) note that the proposed requirement for both the Governing Body and local boards to agree to a bylaw is likely to create additional time and process on the bylaw development.
- l) emphasise the need for consistency between the Auckland Regional Transport Committee (ARTC) and Auckland Council's transport-related bylaws
- m) recommend that a contingency fund be established, sitting outside of the Regional Long Term Plan, to address unexpected transport-related matters.
- n) support the purpose and functions of the reformed transport CCO to ensure transport governance, clear accountability, and active engagement with local boards to align CCO activities with local priorities.
- o) support the proposed six-month transition period with the implementation of the transition plan to review bylaws, policies and plans, and to complete the Roding Classification Framework.
- p) recommend that transitional arrangements be guided by the following principles:
 - i) maintain all existing levels of service
 - ii) deliver on contractual arrangements
 - iii) ensure delivery of existing work programmes
 - iv) provide continuity of service
 - v) ensure no reduction in customer satisfaction levels
 - vi) ensure staff are supported during the transition period.
- q) support joint decision-making protocols and regular communications to ensure alignment on road network priorities and coordinated planning.
- r) support a Roding Classification Framework that is clear and has some flexibility to reflect the needs of the local communities and evolving transport demands, with regular review and input from local board and stakeholders to ensure it remains relevant, equitable and adaptable to local contexts.
- s) advocate for the Roding Classification Framework to have a uniform approach to regional strategic decision making, noting the risk of conflicting decisions between neighbouring local boards.

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- t) propose that guidelines be created to support local board collaboration, particularly when transport outcomes extend across more than one local board area.

CARRIED

Ōrākei Local Board

Resolution number OR/2025/130

18 September 2025

That the Ōrākei Local Board:

- a) provide the tabled feedback on the Local Government (Auckland Council) (Transport Governance) Amendment Bill to inform the council's draft submission.

CARRIED

Ōrākei Local Board feedback on Auckland Council's submission on Local Government (Auckland Council) (Transport Governance) Amendment Bill

Allocated powers to local board (Schedule 4)

- Broadly support the allocation of powers, functions, and responsibilities in relation to local roads and collector roads to local boards.
- Note that there are existing legislative constraints and Governing Body allocations to local boards which may restrict local boards to implement identified desired community outcomes. For example, certain communities have previously supported slower speeds, but this is no longer an option due to the Government's current Speed Rule prohibiting 30km/h as a speed-setting option.
- Note that could be an inherent tension as lower priorities in the Government Policy Statement for Land Transport (GPS) may be higher priority to local boards and their communities. This includes community safety, safe speeds, infrastructure for active modes and place-making. The limited budget allocated in the GPS for these activity classes may constrain local boards to deliver outcomes for their communities.

Transport bylaws

- Do not unilaterally support measures where new bylaws for all types of roads are developed in agreement between the Governing Body and local board and believe these should be initiated by the Local Board for discussion and support of the Governing Body and believe there has been insufficient optioning, consequential effects discussion and debate to allow definitive feedback.
- Note that the proposed framework where both the Governing Body and local boards must agree to a bylaw could create additional time and process on the bylaw development process.
- Understand nothing currently precludes each local board from developing unique local by laws for local and collector roads in its area which may lead to inconsistent by law settings suburb by suburb.

Reformed transport CCO

- Support the reformed Transport CCO to provide public transport services in Auckland, noting:

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- current KiwiRail and NZTA powers and functions relating to public transport in Auckland could be allocated to the Transport CCO, as doing this would deliver complete and integrated services across Auckland's public transport network.
- the Minister of Transport must approve any provisions where Auckland Council delegates certain powers or functions to the Transport CCO.
- Request clarity on the roles and responsibilities between Auckland Council as the road controlling authority, and the Transport CCO. For example, clarification is needed on who is ultimately responsible for public transport service and infrastructure within the road corridor.
- Request clarity on how "multi-board" or "cross-board" services, resources and infrastructure will be governed to ensure an efficient and seamless presentation of public transport.

Auckland Regional Transport Committee (ARTC)

- Support in-principle the establishment of the Auckland Regional Transport Committee and its purpose to develop and maintain a long-term strategic direction for land transport in Auckland that is shared by Auckland Council and the Government.
- Seeks clarification and discussion on:
 - the relationship between the Government Policy Statement on Land Transport (GPS), the proposed ARTC 30-year transport plan and Regional Land Transport Plan (RLTP)
 - how funding allocations and decisions will be made across the GPS, 30-year transport plan and the RLTP
 - particularly how funding and resource allocation will be devolved to Local Boards.

Transition period

- Do not support the transition period between March and September 2026 and believe this should be extended by six months to March 2027.
- Request that transitional arrangements be guided by the following principles:
 - maintain all existing levels of service
 - deliver on contractual arrangements
 - ensure delivery of existing work programmes
 - provide continuity of service
 - ensure that there are no reduced customer satisfaction levels
 - staff are supported during the transition period
 - detailed work is completed on what growth budgets will be required to deliver medium and long-term plans and the physical and human resources required to deliver these plans including increased support for local boards
- Express concern about the feasibility of requiring Auckland Council to review all Auckland Transport bylaws policies and plans to give effect to the new division of responsibilities between the Governing Body and local boards before the end of the transitional period, noting:
 - these all require an element of local board engagement and feedback
 - newly elected local board members will still be onboarding understanding their roles

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- this work is to take place during a period where local boards are legislatively also required to develop a new local board plan and local board agreement.

Auckland Roding Classification Framework

- Support Auckland Council developing, approving, and maintaining the Auckland Roding Classification Framework.
- Recommend that unformed legal roads (paper roads) form part of the Auckland Roding Classification Framework.
- Request that council explore the benefits and necessary procedures to have land classified as Road Reserve to be administered by the Local Board,

Feedback on related matters

- Requests a review by the independent Remuneration Authority to assess whether new determinations are needed and reflect the additional responsibilities being given to local board members.
- Request the provision of appropriate training, support and quality advice to enable local boards to effectively exercise additional functions and responsibilities and that this support include (but not limited to):
 - appropriate subject matter expertise and quality advice to make effective decisions
 - the continuation of relationship management staff who can ensure quality governance and working relationships between local boards and the Transport CCO
 - information on transport assets in the local board area, including their condition
 - appropriate budget allocation to enable decision making.
- Request consideration of a baseline of levels of service for transport be developed and agreed between the Governing Body and local boards in order to provide regional consistency and coordination in service delivery but allow local boards to increase or decrease based on the needs of their communities.
- Request that guidelines be created which support local board collaboration, especially when transport outcomes extend beyond one local board area.
- Seeks clarification on:
 - how funding will be allocated to local boards.
 - how decisions will be made on roads which cross multiple local board areas (for example, West Tamaki Road).

Ōtara-Papatoetoe Local Board

Resolution number OP/2025/134

17 September 2025

That the Ōtara-Papatoetoe Local Board:

- a) tautoko / support the purpose and functions of a reformed transport CCO, provided that:
 - i) the system remains regionally connected and coordinated.
 - ii) delegation decisions are made by Auckland Council without ministerial interference.
 - iii) local boards are empowered to make decisions on local and social procurement for transport projects in their areas.
- b) tautoko / support the removal of unnecessary CCO bureaucracy in transport decision-making, noting that:
 - i) local boards be empowered to respond efficiently to urban, community, and economic development needs.
 - ii) integrated decision-making will enhance the management of public spaces such as town centres and parks.
 - iii) there is a risk of a patchwork of differing transport rules and infrastructure across the city; subregional groupings may help mitigate this and promote consistency.
 - iv) local boards should have influence over the proposed Auckland Regional Transport Committee (ARTC), which currently includes Crown and Governing Body representation but excludes local boards.
- c) tautoko / support for the allocation of decision-making powers to local boards, recognising that:
 - i) local communities are best served by locally informed decisions.
 - ii) local government legislation requires decisions to be made at the local level unless mutually agreed to be delegated regionally.
 - iii) increased local decision-making, including in transport, reflects more effective democracy in action.
 - iv) there have been many instances where our community has felt frustrated with Auckland Transport decisions, and these reforms offer a pathway to more responsive governance.
 - v) staff support must be well-resourced and capable of providing timely, high-quality advice.
 - vi) Local board members should be appropriately remunerated for their expanded responsibilities, even if this falls outside Council's direct control.
- d) tautoko /support importance of allocated powers in:
 - i) enhancing engagement with local communities.
 - ii) enabling responsiveness to local needs and preferences through direct decision-making.
- e) tautoko/support a collaborative approach to bylaw development, affirming that:
 - i) the Governing Body and local boards must jointly agree on new bylaws.

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- ii) local boards should be actively involved in bylaw processes, ensuring efficiency and meaningful community engagement.
- f) advocates Local Board engagement with Auckland Regional Transport Committee (ARTC), namely:
 - i) strong local board involvement in the ARTC as part of shared governance.
 - ii) appointment of the ARTC's independent chair by the full Governing Body to ensure broad political buy-in and avoid mayoral overreach.
- g) tuhi tīpoka / note their strong concern regarding resourcing and implementation, specifically that:
 - i) increased decision-making responsibilities may not be matched with adequate staff resourcing or funding.
 - ii) Auckland Council must ensure sufficient operational support to enable local boards to implement decisions effectively.
 - iii) local boards must be properly funded, with clarity on whether funding decisions will be made locally and whether distribution will be based on asset ownership or equity, both of which have pros and cons, as seen in the Fairer Funding debate.
- h) tuhi tīpoka / note their strong concern about the proposed six-month transition period noting that:
 - i) the timeframe may lead to rushed implementation and suboptimal transport outcomes.
 - ii) adequate staff resourcing and funding must be guaranteed to support a successful transition.
 - iii) There must be sufficient time to ensure that processes and systems are functioning efficiently before full implementation.

Papakura Local Board

Resolution number PPK/2025/150

24 September 2025

That the Papakura Local Board:

- a) tuku / provide feedback on the Local Government (Auckland Council) (Transport Governance) Amendment Bill to inform the council's draft submission as follows:

Allocated powers to local boards (Schedule 4)

- i) support the allocation of powers, functions, and responsibilities in relation to local roads and collector roads to local boards
- ii) request further clarification regarding decision-making over 'paper roads'
- iii) note that existing legislative constraints may restrict local boards from implementing desired community outcomes, for example where communities have supported slower speeds but this is no longer possible due to the Government's current Speed Rule prohibiting 30km/h as a speed-setting option
- iv) request advice and consideration on the extent to which the powers set out in Schedule 4 can be delegated, noting that almost all Road Controlling Authority (RCA) powers are currently exercised by Auckland Transport staff under delegation, and further, request consideration of the distinction between governance and operational functions
- v) consideration of the status of local board plans is required and how the Governing Body, the Transport CCO or the Auckland Regional Transport Committee takes them into account

Transport bylaws

- vi) support measures where new bylaws are developed in agreement between the Governing Body and local boards

Reformed Transport Council Controlled Organisation (CCO)

- vii) support the reformed Transport CCO to provide public transport services in Auckland
- viii) request clarity on the roles and responsibilities between Auckland Council as the road controlling authority, and the Transport CCO. For example, clarification is needed on who is ultimately responsible for public transport service and the associated infrastructure to effectively deliver the service such as bus shelters and bus lanes
- ix) request that it be made clear that local board views are obtained and considered by the reformed Transport CCO in relation to providing public transport services in the local board area, for example on new routes or services, as well as the scope of services reflected in the development of the Regional Public Transport Plan
- x) do not support any moves that could enable or lead to the future privatisation of Auckland's public transport
- xi) support the scope of the Transport CCO being specifically about service delivery with decisions on public transport policy, planning, prioritisation and investment being led by Auckland Council, including local boards

- xii) support Auckland Council taking direct responsibility for the transport capital programme, renewals, and maintenance
- xiii) do not support the requirement that Minister of Transport's approval is needed before Auckland Council can delegate functions to the CCO, and consider that Auckland Council is best placed to make decisions on solutions for Auckland

Auckland Regional Transport Committee (ARTC)

- xiv) support the establishment of the Auckland Regional Transport Committee and its purpose to develop and maintain a long-term strategic direction for land transport in Auckland that is shared by Auckland Council and the Government
- xv) request that references to local board views are being obtained and considered to inform key decisions particularly in relation to the development of the Regional Land Transport Plan and draft 30-year transport plan is strengthened

Transition period

- xvi) support the expediency intended in suggesting a six-month transition period between March and September 2026
- xvii) request that transitional arrangements be guided by the following principles:
 - A) maintain all existing levels of service
 - B) deliver on contractual arrangements
 - C) ensure delivery of existing work programmes
 - D) provide continuity of service
 - E) ensure that there are no reduced customer satisfaction levels
 - F) staff are supported during the transition period
- xviii) express concern about the feasibility of requiring Auckland Council to review all Auckland Transport bylaws policies and plans to give effect to the new division of responsibilities between the Governing Body and local boards before the end of the transitional period, noting:
 - A) these all require an element of local board engagement and feedback
 - B) newly elected local board members will still be learning and understanding their roles
 - C) this work is to take place during a period where local boards are legislatively also required to develop a new local board plan and local board agreement
 - D) the implementation of this legislation will not be within the timeframes to inform the three-year local board plans

Auckland Roding Classification Framework

- xix) support Auckland Council developing, approving, and maintaining the Auckland Roding Classification Framework
- xx) note that the Auckland Roding Classification Framework must be approved by both the Governing Body and the Minister of Transport and request that local board views are sought and considered prior to the framework being approved
- xxi) request that unformed legal roads (paper roads) form part of the Auckland Roding Classification Framework

Feedback to Auckland Council on related matters

- xxii) request a review by the independent Remuneration Authority to assess whether new determinations are needed and reflect the additional responsibilities being given to local board members
- xxiii) the board request that the organisation provides adequate resource advice and finances for boards to be able to carry out their functions effectively
- xxiv) request the provision of appropriate training, support and quality advice to enable local boards to effectively exercise additional functions and responsibilities and that this support include (but not limited to):
 - A) appropriate subject matter expertise and quality advice to make effective decisions
 - B) the continuation of staff who can ensure quality governance and working relationships between local boards, the council transport subject matter experts and the Transport Council Controlled Organisation
 - C) information on transport assets in the local board area, including their condition
 - D) appropriate budget allocation to enable decision making
 - E) advice regarding legal implications relating to health and safety obligations and risks
- xxv) request consideration of a baseline of levels of service for transport be developed and agreed between the Governing Body and local boards in order to provide regional consistency and coordination in service delivery but allow local boards to increase or decrease based on the needs of their communities
- xxvi) request that guidelines be created which support local board collaboration, especially when transport outcomes extend beyond one local board area
- xxvii) request and implanting the legislation Auckland Council supports the organisation and the transport CCO to create a new culture of responsiveness and service to elected members and the communities
- b) tāpae / delegate to the local board chair the ability to make minor amendments to the board's feedback if required.

CARRIED

Puketāpapa Local Board

Resolution number PKTPP/2025/75

18 September 2025

That the Puketāpapa Local Board:

Schedule 4 – Local boards’ powers, functions, and responsibilities in relation to local roads and collector roads in Auckland

- a) Collector roads should be included in Governing Body decision-making because they form part of a wider network; however, we value Auckland Transport’s Stakeholder Engagement Spectrum, “Inform, Consult, Collaborate”. As a local board, we request that the Governing Body either consult or collaborate with us on decision relating to collector roads.
- b) Note that there could be an inherent tension as lower priorities in the Government Policy Statement for Land Transport (GPS) may be higher priority to local boards and their communities. This includes community safety, safe speeds, infrastructure for active modes and place-making. The limited budget allocated in the GPS for these activity classes may constrain local boards to deliver outcomes for their communities.
- c) Concern about the cost implications of the rebranding initiative, particularly considering current budget constraints and competing community priorities. Additionally, if a brand transition proceeds, it may cause confusion for the public and negatively impact the usability of public transport.
- d) Requests a review by the Independent Remuneration Authority to assess whether new determination is warranted, given the increasing responsibilities being delegated to local board members. Beyond remuneration, these additional duties require a significant commitment of time, energy, and expertise from elected members.
- e) While current local board candidates were provided with an indicative estimate of weekly time commitments for the role, these did not account for the additional responsibilities now being proposed. As such, the evolving scope of the role may exceed what candidates reasonably anticipated when standing for election.
- f) Requests that training, support and quality advice is provided to local boards’ fulfilling these additional powers, functions and responsibilities successfully. It will significantly increase the workload for local board members, and therefore support should include (but is not limited to):
 - i) appropriate subject matter expertise and quality advice is allocated to each local board to make effective decisions
 - ii) legal support, advice and process by challenges of local board from public.
 - iii) the continuation of relationship management staff who can ensure quality governance and working relationships between local boards and the Transport CCO
 - iv) suitable budget allocation
 - v) information on transport assets in the local board area, including their condition
 - vi) intellectual property, information and databases on transport matters and are relevant to the local board area

E mahi ana mātou i te mahi mō Tāmaki Makaurau

- vii) ensuring transport strategy, policy and planning is coordinated and integrated with the newly-established Auckland Development Office to ensure broader urban development and place-making outcomes.
- g) Request that consideration is given to the network aspects of transport decisions. Local boards cannot operate in isolation, as people regularly travel across ward boundaries. To ensure a seamless and consistent experience for all road users, we urge greater coordination, particularly in areas such as speed limits, to avoid abrupt changes that may cause confusion or compromise safety.

Reformed Transport CCO

- h) Support the reformed Transport CCO to provide public transport services in Auckland, noting
 - i) current Kiwirail and NZTA powers and functions relating to public transport in Auckland could be allocated to the Transport CCO, as doing this would deliver complete and integrated services across Auckland's public transport network.

Transition period

- i) Note that six months is an insufficient amount of time to review all Auckland Transport bylaws, policies and plans. Rather, it is recommended that they remain in place, and be reviewed by no later 1 September 2028. Suggests avoiding election cycle, preferably first year of the term. This arrangement is similar to the review process for legacy council bylaws following the creation of Auckland Council.

This timeframe places an unreasonable burden on staff, and local board members. The review of these bylaws, policies and plans will require an element of local board engagement and feedback, and this is unreasonable for local board members who will be learning about their new responsibilities per Schedule 4 of the Bill and undertaking their existing responsibilities during this period. For example, local boards are legislatively required to develop a new local board plan and develop a local board agreement during between January and September 2026.

Other considerations

- j) Request consideration regarding the transparency and fairness of the financial division process between projects that span multiple local boards.
- k) Recommend that all local boards be allocated a baseline level of funding for essential transport-related maintenance such as footpaths and general upkeep, without strict budget constraints. Beyond this, we support a more flexible funding model that allows local board to direct the remaining budget toward areas they identify as priorities and where investment is most needed.
- l) Requests that for local board-led projects exceeding \$1 million, such as prioritised footpath upgrades, local boards be empowered to utilise Auckland Council's procurement processes. This would allow boards to lead the tendering process, enabling greater local oversight, accountability, and alignment with community priorities.
- m) Seek clarification on the role of local boards in traffic management decisions within their areas, particularly in relation to budget implications. Concerns of scenarios where contractors may become insolvent or withdraw from projects, potentially leaving the local board to manage unforeseen financial gaps or project delays. Understanding who holds accountability in such cases is critical to effective local governance and budget planning.
- n) Request consideration and assurance that a master schedule of works will be maintained to ensure that projects progressed independently by local boards do not inadvertently disrupt or negatively impact the wider transport network. Coordination at a regional level is essential to ensure efficiency, minimise duplication, and maintain network integrity.

E mahi ana mātou i te mahi mō Tāmaki Makaurau

- o) Requests that any new set up has monthly reporting to the local board in a manner similar to the Community Facilities monthly reports to local boards.
- p) Notes its concern around the rushed time frame which has meant local boards are acting on extremely limited information and requests this concern is passed on to central government.
- q) recommends clearer guidance and a stronger working relationship between the planning teams and the new Auckland Transport structure within Council. A holistic approach is needed to ensure transport decisions are aligned with urban intensification, community and economic development, and the management of public spaces such as town centres and parks. Integration across these areas is essential to support well-functioning and future-ready neighbourhoods.

CARRIED

Rodney Local Board

Resolution number RD/2025/178

17 September 2025

That the Rodney Local Board:

- a) tuku / provide the following feedback on the Local Government (Auckland Council) (Transport Governance) Amendment Bill to inform the council's draft submission:
 - ii) support the core principle of the Bill to increase democratic accountability and local decision-making for transport in Auckland. This legislation is intended to ensure the views of our local communities are properly considered in transport planning and delivery
 - iii) express concern that the transition model may not account for the significant, pre-existing road maintenance deficit in the Rodney Local Board area. Due to historical underinvestment, many local roads now require expensive rehabilitation work, not just standard renewals. An equitable funding model must address this deficit to avoid unfairly burdening Rodney ratepayers
 - iv) request that prior to any road controlling authority status being transferred, an asset audit including any funding deficits be provided to Auckland Council and 21 local boards
 - v) express concern that allocating decision-making power for local and collector roads to 21 local boards:
 - A) risks adding an extra layer of bureaucracy, which may slow down the delivery of projects across the Auckland region and could ultimately result in project delays and increased costs to the ratepayer
 - B) could lead to inconsistent application of advice, resulting in inconsistent speed limits, safety standards, fragmented user experience and challenges in coordinating road safety and traffic flow across the wider transport network
 - C) may not necessarily result in faster or more cost-effective delivery of roading projects, as delays in project delivery are usually a result of insufficient funding, project redesigns and resource constraints.
 - vi) express concern that there is lack of clarity regarding how existing Auckland Transport budgets will be allocated across the 21 local boards for renewals and maintenance and upgrades of local and collector roads
 - vii) request that a cost/benefit analysis be included as part of the public consultation documentation as the full cost of transitioning the regional road controlling authority from Auckland Transport to Auckland Council is unknown as significant expenses are likely to be incurred in areas such as consultant fees and integration or migration of complex IT systems and data infrastructure.
 - viii) express concern that by allocating decision-making to 21 local boards it increases potential risk for conflicts of interest and corruption
 - ix) express concern at the increased workload for staff and local boards.

CARRIED

Upper Harbour Local Board

Resolution number UH/2025/121

18 September 2025

That the Upper Harbour Local Board:

- a) tuku / provide feedback on the Local Government (Auckland Council) (Transport Governance) Amendment Bill to inform the council's draft submission as follows:

Allocated powers to local boards (Schedule 4):

- i) support the allocation of powers, functions, and responsibilities in relation to local roads and collector roads to local boards.
- ii) note that existing legislative constraints may restrict local boards from implementing desired community outcomes, for example where communities have supported slower speeds around schools but this is no longer possible due to the Government's current Speed Rule prohibiting 30km/h as a speed-setting option
- iii) request advice and consideration on the extent to which the powers set out in Schedule 4 can be delegated, noting that almost all Road Controlling Authority (RCA) powers are currently exercised by Auckland Transport staff under delegation, and further request consideration of the distinction between governance and operational functions

Transport bylaws:

- iv) support measures where new bylaws are developed in agreement between the Governing Body and local board
- v) note that the proposed framework where both the Governing Body and local boards must agree to a bylaw could increase the time and lengthen the process of the bylaw development

Reformed transport CCO

- vi) do not support the reformed Transport CCO to provide public transport services in Auckland and believe public transport should form part of Auckland Council
- vii) request clarity on the roles and responsibilities between Auckland Council as the road controlling authority, and the Transport CCO specifically:
 - A) clarification of ultimate responsibility for public transport services where they intersect with the road corridor (e.g bus lanes which will speed up busses and improve public transport are in roads that the Auckland Council or local boards will be the road controlling authority)
 - B) clarification of the decision-making authority and the strategic imperative that will take precedence in such circumstances
- viii) request clarity on responsibility and decision making to upgrade and maintain the physical assets related to the Transport CCO for example bus stops
- ix) request local board views are obtained and considered by the reformed Transport CCO in relation to providing public transport services in the local board area for example on new routes or services

E mahi ana mātou i te mahi mō Tāmaki Makaurau

- x) do not support any moves that could enable or lead to the future privatisation of Auckland's public transport

Auckland Regional Transport Committee (ARTC)

- xi) support the establishment Auckland Regional Transport Committee and its purpose to develop and maintain a long-term strategic direction for land transport in Auckland that is shared by Auckland Council and the Government
- xii) request that the appointment of the independent chair of the Auckland Regional Transport Committee is a decision of the Governing Body
- xiii) request that there is local board representation on the Auckland Regional Transport Committee
- xiv) request that local board views are sought and considered to inform key decisions particularly in relation to the development of the Regional Land Transport Plan and draft 30-year transport plan

Transition period

- xv) note mixed views on the 6 month transition period between March and September 2026, the local board feel that they do not have enough information to give informed feedback
- xvi) request that transitional arrangements be guided by the following principles:
 - A) maintain all existing levels of service
 - B) deliver on contractual arrangements
 - C) ensure delivery of existing work programmes
 - D) provide continuity of service
 - E) ensure that there are no reduced customer satisfaction levels
 - F) staff are supported during the transition period
- xvii) express concern about the feasibility of requiring Auckland Council to review all Auckland Transport bylaws policies and plans to give effect to the new division of responsibilities between the Governing Body and local boards before the end of the transitional period, noting:
 - A) these all require an element of local board engagement and feedback
 - B) newly elected local board members will still be onboarding understanding their roles
 - C) this work is to take place during a period where local boards are legislatively also required to develop a new local board plan and local board agreement

Auckland Roding Classification Framework

- xviii) support Auckland Council developing, approving, and maintaining the Auckland Roding Classification Framework, noting the distinctions between urban and rural roads
- xix) note that the Auckland Roding Classification Framework must be approved by both the Governing Body and the Minister of Transport and request that local board views are sought and considered prior to the framework being approved
- xx) request that unformed legal roads (paper roads) form part of the Auckland Roding Classification Framework

Feedback on related matters

- xxi) request a review by the independent Remuneration Authority to assess whether new determinations are needed and reflect the additional responsibilities being given to local board members
- xxii) request the provision of appropriate training, support and quality advice to enable local boards to effectively exercise additional functions and responsibilities and that this support include (but not limited to):
 - A) appropriate subject matter expertise and quality advice to make effective decisions
 - B) the continuation of relationship management staff who can ensure quality governance and working relationships between local boards and the Transport CCO
 - C) information on transport assets in the local board area, including their condition
 - D) information on Death and Serious Injury statistics in locations for the local board area
 - E) appropriate budget allocation to enable decision making
- xxiii) request consideration of a baseline of levels of service for transport be developed and agreed between the Governing Body and local boards in order to provide regional consistency and coordination in service delivery but allow local boards to increase or decrease based on the needs of their communities
- xxiv) request that guidelines be created which support local board collaboration, especially when transport outcomes extend beyond one local board area
- xxv) request that the costs involved in implementing the Local Government (Auckland Council) (Transport Governance) Amendment Bill is paid for by the central government
- xxvi) consider that the planning functions of Auckland Transport especially with regards to growth (e.g supporting growth, plan changes, resource consents) are very important and it's critical that these functions continue and are aligned with council planning and feed into long term plans
- xxvii) express concern that many members of the community consider that there is low value for money for different services that Auckland Transport provide and request that as part of any change that procurement processes and systems are reviewed
- xxviii) note the question of whether some of the intended improvements could have been achieved through greater responsiveness of Auckland Transport to Auckland Council and local board directives
- xxix) request advice and clarity around the process for road stopping as local boards will be responsible for collector and local roads especially in the Upper Harbour Local Board area.

CARRIED

Waiheke Local Board

Resolution number WHK/2025/86

24 September 2025

That the Waiheke Local Board:

- a) **tuku / provide the following feedback on the Local Government (Auckland Council) (Transport Governance) Amendment Bill to inform the council's draft submission:**
 - i) support the core principle of the Bill to increase democratic accountability and local decision-making for transport in Auckland. This legislation is intended to ensure the views of our local communities are properly considered in transport planning and delivery, and this has been an area of the board's advocacy for many years.
 - ii) request that the road network within the Waiheke Local Board area be reviewed separately from the isthmus as our road network is discrete and not part of the isthmus network, our road and street network is diverse, with many cul de-sacs, few through-connections, rural and urban style roads intermingled, and 20 per cent of Waiheke's roads are unsealed – many requiring safety measures due to dust. Our coastal environment leaves us particularly vulnerable to the effects of climate change, particularly when many of our roads adjoin the coastline.
 - iii) request that when funding models are being considered that recognition be given to the estimated 900,000 visitors per year to Waiheke Island and the impact this has on the road and street network, including heavy tourist doubledecker buses and heavy public transport electric buses along our arterial and connector roads.
 - iv) note there is additional cost for road works on Waiheke given its isolation, and reliance on shipped source material for road renewals, and older surfaces breaking down because of local sedimentary substrate material which requires regular rehabilitation and maintenance.
 - v) note the Waiheke 10-year Transport Plan was publicly consulted on and supported by our community and provides a clear future work programme, funding of which has been provided for in the current RLTP and it is requested there is recognition of this previously approved funding.

Governance Arrangements

- b) support in principle the move to a three-tiered governance structure for transport but note the risk that the Auckland Regional Transport Committee (ARTC) may concentrate influence with central government, potentially marginalising local priorities.
- c) request clearer accountability between ARTC and the Governing Body for the Regional Land Transport Plan (RLTP) to avoid duplication and delay.
- d) request ARTC includes an additional representative elected exclusively by local board members,
- e) request ARTC include an active/passive transport user representative.
- f) note that there needs to be transparent decision-making that will ensure public accountability and understanding.
- g) note the proposed structure will result in local board advocacy needing to be split across different domains.

Schedule 4 – Local Board Powers

- h) support the transfer of decision-making powers over local and collector roads to local boards to improve safety, accessibility, and place-making outcomes.
- i) note with concern that new responsibilities must be matched with sufficient funding, strategic advice, and staff support, given previous experience where increased responsibilities were not supported by adequate budgets.
- j) welcomes the intent of Schedule 4 to increase local board decision-making over local and collector roads, enabling stronger alignment with community priorities, place-making, and equity outcomes.
- k) note this increased decision-making will significantly increase Local Board member and staff workload due to public requests and complaints coming directly to the local board.
- l) request meaningful local board involvement in decision-making for any local arterial road or public transport projects.
- m) request decision-making for landowner approval for all street trading activity on Waiheke, regardless of which entity is the current statutory authority.
- n) request advice and consideration on the extent to which the powers set out in Schedule 4 can be delegated, noting that almost all Road Controlling Authority (RCA) powers are currently exercised by Auckland Transport staff under delegation, and further request consideration of the distinction between governance and operational functions.

Reformed Transport CCO

- o) support a reformed Transport CCO with a dedicated focus on delivering an efficient, reliable, and affordable public transport system.
- p) note that ferries provide a key link for commuters and visitors, however, there are community concerns with the cost, frequency and reliability of services.
- q) request clarity on the respective roles and responsibilities between Auckland Council as road controlling authority and the Transport CCO as service provider.

Auckland Roding Classification Framework

- r) request mechanisms for meaningful local board involvement in decision-making where local and collector roads intersect with arterial routes across the region.
- s) request that unformed legal roads (paper roads) form part of the Auckland Roding Classification Framework.
- t) emphasise that mana whenua input is critical in the framework's development and that processes must adhere to Te Tiriti o Waitangi.

Transport Bylaws

- u) support shared bylaw-making powers between Governing Body and local boards but note the potential for delays due to the requirement for dual approval.
- v) reiterate that bylaws must reflect local priorities, such as community-supported slower speeds around schools and town centres.

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- w) note that there needs to be a balance between allowing for local nuance and determination and regional consistency, and resource should be provided to support development of local bylaws if required.

Transition Period

- x) suggest that this be a question to the staff of Auckland Transport – the people that are going to have to make the adjustment, and the staff that are doing the work to transfer.
- y) note concern that six months is insufficient to review all bylaws and plans, especially when local boards will also be preparing new Local Board Plans and Local Board Agreements during the same period.
- z) recommend that bylaws and policies remain in force until at least 1 September 2028, with reviews phased to ensure proper engagement and manageable workloads.

General

- aa) request clarification of responsibilities for unformed legal roads (paper roads).
- bb) request that the Local Board Transport Capital Fund (LBTCF) continue to be available. This fund enables the board to deliver local transport projects that meet community needs, including bus shelters, footpaths, cycling infrastructure, and traffic calming. Continuation of the LBTCF is vital to support safer streets, improved public transport access, and better active transport opportunities for residents.
- cc) request that baseline regional service levels for transport be established between the Governing Body and local boards, with flexibility for local boards to adjust based on community needs.
- dd) recommend that the Remuneration Authority review local board member responsibilities to ensure they are adequately resourced and compensated for the increased workload.
- ee) the local board calls for explicit provisions in the Bill requiring that all revenues generated from local transport-related sources, including parking fees, to be reinvested by the local boards into local transport services and infrastructure to directly benefit our communities, rather than being absorbed into general or unrelated budgets.
- ff) safe streets, improved walking and cycling connections, and affordable public transport must not be subsumed by regional or national priorities.
- gg) delegate authority to the Chair to make minor adjustments to the local board's feedback on the Local Government (Auckland Council) (Transport Governance) Amendment Bill, noting that any changes will be limited to corrections of grammar, wording, or minor changes and additions that do not alter the intent of the Board's feedback.

CARRIED

Waitākere Ranges Local Board

Resolution number WTK/2025/126

18 September 2025

That the Waitākere Ranges Local Board:

- a) tuku / provide the following feedback on the Local Government (Auckland Council) (Transport Governance) Amendment Bill to inform the council's draft submission:

General feedback

- i) The local board agree that Auckland's transport network is struggling to efficiently and effectively move goods and people around the city and that congestion is a significant problem.
- ii) The local board question however why there is no mention of the need to minimise emissions or transport's role in addressing climate change. In particular the Bill requires the proposed Auckland Regional Transport Committee (ARTC) to concentrate on efficiency and the 30-year Transport Plan, referred to in section 42 of the Bill, that the RTC produces must promote productivity and economic growth, safe movement and efficient asset management. The local board consider that sustainability resilience and emissions reductions should be included as objectives.
- iii) Whilst the somewhat increased democratic power and accountability in relation to local roads is welcome, it is noted that the issue is in large part due to lack of resources. Previous Auckland Transport Alignment Projects suffered from a clearly identified deficit which in 2017 was estimated to be \$5.9 billion. This funding was necessary to complete the projects designed to address congestion.
- iv) The local board note that measures which provide local boards with greater authority and decision-making over council-owned property such as local roads and the road corridor, will support local boards to deliver better transport outcomes. However, it will be necessary to appropriately resource associated town-centre improvements, placemaking and economic development opportunities.
- v) The bill process is very truncated with the board's initial response being required shortly after the bill has been released. This bill will have long term consequences. The board consider it is better to be done properly than quickly. The board appreciate that the announcement has created a hiatus that needs to be dealt with.

Allocated powers to local boards

- vi) The local board welcome increased powers over matters affecting local roads.
- vii) The local board support measures which provide local boards with greater authority and decision-making over council-owned property, such as the local roads and the road corridor. This will support local boards to deliver better transport outcomes and, if resourced appropriately, to deliver town centre improvements, place-making, economic development outcomes and roads.
- viii) The local board receive a significant number of complaints from locals about Auckland Transport issues relating to local roads and local footpaths. The current system is utilised and these complaints fed into Auckland Transport. But too often the response is to decline

requests for change on the basis that the proposed change does not fit regional norms. Local communities should be allowed greater discretion to have local solutions to local problems that takes into account the specific pressures of rural versus urban versus coastal.

- ix) Note the proposed change will require significant resourcing and funding. Although not directly relevant this may require consideration for larger boards so that the increased workload can be handled.
- x) Note Waitākere Ranges has its own legislation and also unique issues and problems that will require special care and attention.
- xi) Note that the proposal may impose additional responsibilities on local board members, so recommend that a review be undertaken by the independent Remuneration Authority to assess whether new determinations are needed.

Transport bylaws

- xii) Section 47D of the bill poses some interesting issues. It is noted that the Governing Body may make a bylaw if it and a majority of local boards agree to it and the Governing Body considers that a minority has “unreasonably withheld their agreement”.
- xiii) Local boards are of a variety of political flavours, some favour concentration on the actual or perceived needs of car users, others focus more on sustainable forms of transport such as walkways and cycleways.
- xiv) Deciding that a local board has been unreasonable is an incredibly loaded judgment and damaging of relationships between the entities.
- xv) One option is to allow the Governing Body the power to pass bylaws if a majority of local board support the measure with no judgment about the reason for the minority local board view. Another option is to reserve the power to pass bylaws to the Governing Body.
- xvi) The localised powers for local boards referred to in section 47C and schedule 4 of the bill are supported.

Reformed Transport council-controlled organisation (CCO)

- xvii) The establishment of the Transport CCO is supported.
- xviii) The local board note that in section 43B of the bill the Transport CCO is obliged to operate in a financially responsible manner and seek value for money. Public Transport has a major role to play in terms of meeting the region's and country's greenhouse gas emissions reduction goals and we urge that sustainability resilience and emission reductions be included as operating principles.
- xix) The local board does not support the requirement that delegations to the reformed Transport CCO must be approved by the Minister of Transport. This function should be at the discretion of Auckland Council.
- xx) The local board also urge the operating principles of the CCO include the fostering and promotion of community based public transport services.

Auckland Regional Transport Committee

- xxi) The bill creates a unique way of dealing with transport unlike the arrangement in any other Local Authority area.
- xxii) The general rule is contained in section 105 of the Land Transport Management Act 2003.

- xxiii) Decisions are made by Local Authorities with some assistance/involvement with regional transport committees established by each regional council.
- xxiv) Generally membership includes two regional council representatives, one for each TLA in the area and one to represent NZTA.
- xxv) For unitary authorities there are four local representatives and one agency representative. The Regional Council appoints from its representatives the chair and deputy chair. Auckland's position is proposed to be different.
- xxvi) Currently Auckland Transport has general responsibility for Auckland's roads public transport. It has a board of up to eight, including two councillors. It also has one non-voting director nominated by NZTA.
- xxvii) The bill proposes that a new structure, the Auckland Regional Transport Committee, is established to develop and maintain a strategic direction for land transport. Nine members are anticipated, three appointed by the Minister of Transport, three by the Mayor and three non-voting members from NZTA, Kiwirail and Auckland's Transport CCO. This would give the Minister huge powers over the future of Auckland's Transport systems.
- xxviii) Already through the control of funding and the involvement of NZTA Central Government has a huge say. Having Ministerial appointees and NZTA representation skews control dramatically towards Central Government.
- xxix) The recent history of ATAP shows that the impediment is not Auckland's ability to plan for the future, it is funding.
- xxx) The local board urge that the power for the Minister to make appointments be removed.
- xxxi) The local board is concerned that of 10 positions on the ARTC, only three with voting rights are Auckland Council representatives, and that there is no representation from local boards on the ARTC, as this may risk handing significant control and influence to central government.
- xxxii) The local board recommend sections 41C of the bill includes the formation of a subcommittee to the ARTC formed of members of each of the local boards, with representation at the ARTC.
- xxxiii) In response to section 41 (2) of the bill, the local board's strong position is that meetings should be public and agendas generally should be made available subject to current restrictions and the LGOIMA act. We do not consider that there is a case for change.

Auckland Roding Classification Framework

- xxxiv) The local board note that the Unitary Plan contains a description of arterial roads. Any reclassification of roads should be taken into account when the Unitary Plan is reviewed.
- xxxv) Local boards should be jointly responsible alongside the Governing Body for the development, approval, and maintenance of the Auckland Roding Classification Framework before the end of the transition period, to ensure that there is clarity on which roads are controlled by each body.

CARRIED

Waitematā Local Board

Resolution number WTM/2025/165

16 September 2025

That the Waitematā Local Board:

- a) tuku / provide tabled feedback on the Local Government (Auckland Council) (Transport Governance) Amendment Bill to inform the council's draft submission.

CARRIED

Waitematā Local board feedback on Auckland Council's submission on Local Government (Auckland Council) (Transport Governance) Amendment Bill. September 16th, 2025.

Purpose of the report

1. To seek local board feedback to be incorporated into Auckland Council's submission on the Local Government (Auckland Council) (Transport Governance) Amendment Bill.

Recommendation/s

That the Waitematā Local Board:

- 1) Support the stated goal of the Bill, which is to “strengthen transport governance and planning”
- 2) Support an integrated framework for decision-making that requires council and government to take long term planning into account with policy decisions and budget priorities, and that local decision-making fits underneath and must align with regional strategies. This is likely to reduce waste, and allow significant local decision-making.
- 3) Recommend that integrated decision-making extends to national policy statements on housing and urban development, council's Future Development strategy and Watercare's Metropolitan Servicing Strategy and takes the Zero Carbon Act into account.
- 4) Acknowledge that there is a risk in devolving decision making to 21 local boards that may not result in coherent, region-wide solutions, and be complex and costly. Auckland's transport system is our single biggest challenge. It demands unified, strategic leadership—not 21 different systems. However, the flexibility may mean solutions trialled in one area be more widely taken up and others will suit their local area better.
- 5) Is concerned by the timeframes and the lack of knowledge around how the new legislation will work in practice and make the point that we have had no advice from transport experts while framing our submission. The following questions need to be answered:
 - a) Who will manage and maintain bus lanes?
 - b) Who will manage what budgets, and what are their quantum and criteria for setting them?
 - c) Who will manage budgets for road resurfacing and footpath renewal on collector and local roads?

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- d) Who will collect infringement fines, parking charges and transport fees, and where will the money go?
 - e) How much decision-making will be delegated to staff?
 - f) Who is responsible for the cycling network?
 - g) Who will be responsible for monitoring and making submissions associated with developer RMA applications where incremental effects will impact local roads?
 - h) Will the local board still have a discretionary capex fund? And will they have discretionary opex spend?
 - i) How will local transport planning be incorporated into local board plans? (noting the process to develop local board plans begins before the end of 2025)
 - j) How will local boards be able to feed into regional decisions?
- 6) Is concerned by the current lack of capacity for local boards to expand their transport decision-making and ensure good regional network outcomes and recommend budgets and resource be allocated to support them.
 - 7) Recommend that there should be a regional standard for road maintenance
 - 8) Recommend that experienced transport policy planners are encouraged to participate through the transition process and that they be supported to give free and frank advice.
 - 9) Note that while empowering local boards to make more decision on local and collector roads may have some positive outcomes, they are often interested in improving safety outside schools, or upgrading town centres, which are usually on arterial roads and therefore it seems outside scope. This is a problem. Place-making and 'to-not-through' is a high priority for local business associations.
 - 10) We disagree that the Auckland Regional Transport Committee should have half its members appointed by the Minister of transport. As with the other Regions of the country, the selection and appointments should primarily be the responsibility of the Governing Body. There should be just one appointee of the Minister of Transport.
 - 11) This Auckland regional Transport Committee should be responsible for a thirty- year transport plan. It should consult the Auckland Council and the Cabinet but should ultimately be responsible for it.
 - 12) Recommend stronger protections are in place to stop AT being privatised.
 - 13) The RLTP should be the responsibility of the governing body.
 - 14) The transport CCO should be responsible for public transport
 - 15) Local Boards should be responsible for local and collector roads, including the road corridor of each of them.
 - 16) Recommend that there are standards for road and footpath maintenance and that economies of scale are harnessed, whether this is managed by AC or AT, however, we also recommend that local boards are given the opportunity to upgrade local and collector roads where appropriate, which means renewal schedules need to be communicated with local boards sufficiently in advance.
 - 17) Strongly recommend that there is an opportunity for local boards to play a role in the development of town centre upgrades. These are normally on arterial roads but are of high interest to local business associations and residents with whom local boards have relationships.

- 18) Acknowledge that placemaking has a positive impact on local economic activity and recommend this is appreciated as a high priority versus rapid movement of goods, noting that access and reliable flow, may be a better way to achieve well-functioning urban environments and transport requirements than speed alone.
- 19) Agree Section 4 as amended appears appropriate, particularly section 319(1)(1). This makes it clear local boards are responsible for footpaths and cycle paths. Other sections also appropriately include pedestrian malls, traffic signals and pedestrian crossings.
- 20) Seeks clarification on whether the Governing Body or local boards will be responsible for unformed legal roads (paper roads).
- 21) Propose that guidelines be created which support collaboration between local boards and between local boards and the governing body, especially when transport outcomes may extend beyond one local board area, for example, the cycle network.
- 22) Propose that baseline regional base levels of service for transport are determined and agreed between the Governing Body and local boards. This will provide consistency and coordination in service delivery but allow local boards to increase or decrease based on the needs of their communities.
- 23) Support the transition period between March and September 2026.
- 24) Recommend that transitional arrangements be guided by the following principles:
 - a) maintain all existing levels of service
 - b) deliver on contractual arrangements
 - c) ensure delivery of existing work programmes
 - d) provide continuity of service
 - e) ensure that there are no reduced customer satisfaction levels
 - f) staff are supported during the transition period.
- 25) Considers that six months is an insufficient amount of time to review all Auckland Transport bylaws, policies and plans. Rather, it is recommended that they remain in place, and be reviewed by no later 1 September 2028. This arrangement is similar to the review process for legacy council bylaws following the creation of Auckland Council.
- 26) Training, support and quality advice is fundamental to supporting local boards' fulfilling these additional powers, functions and responsibilities successfully. It will significantly increase the workload for local board members, and therefore support should include (but is not limited to):
 - a) appropriate subject matter expertise and advice is allocated to each local board to make effective decisions
 - b) the continuation of relationship management staff who can ensure quality governance and working relationships between local boards and the Transport CC
 - c) suitable budget allocation taking account of the need for quality advice and adequate resources and fair and appropriate criteria for allocation including both legacy costs and growth in that area.
 - d) information on transport assets in the local board area, including their condition

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- e) includes the other public assets in the road corridor including street furniture, toilets, water fountains and public art
- f) intellectual property, information and databases on transport matters and are relevant to the local board area
- g) ensuring transport strategy, policy and planning is coordinated and integrated with the newly-established Auckland Development Office to ensure broader urban development and place-making outcomes.

Reformed Transport CCO

- 1) Support the reformed Transport CCO to provide public transport services in Auckland, noting:
 - a) further clarity is required to understand the roles and responsibilities between Auckland Council as the road controlling authority, and the Transport CCO. For example, clarification is needed on who is ultimately responsible for public transport service and infrastructure within the road corridor
 - b) current KiwiRail and NZTA powers and functions relating to public transport in Auckland could be allocated to the Transport CCO, as doing this would deliver complete and integrated services across Auckland's public transport network
 - c) the Minister of Transport must approve any strategic level provisions where Auckland Council delegates certain powers or functions to the Transport CCO.

Auckland Roding Classification Framework

- 1) Support Auckland Council developing, approving, and maintaining the Auckland Roding Classification Framework, noting:
 - a) clarification of which roads fall within the 'Auckland city centre' is required to ensure integrated planning and delivery with local roads that become the responsibility of the Waitemata Local Board and ensuring the Waitemata Local Board is consulted and collaborates on the city centre road issues.
 - b) coordination and thorough consultation, or a hybrid governance entity consisting of Governing Body and Waitemata Local Boards members may be required to ensure integrated planning and delivery of both city centre and city-fringe roads.
- 2) Recommend Section 48(2) include provision for rural roads, as they have unique and differing requirements to local or collector roads.
- 3) Recommend if rural roads are not included within the legislation, they become a dedicated classification in Auckland Roding Classification Framework.
- 4) Recommend that unformed legal roads (paper roads) form part of the Auckland Roding Classification Framework.
- 5) Questions whether the Minister of Transport must approve the Auckland Roding Classification Framework prior to it being approved by the Auckland Council.

Transport bylaws

- 6) Support measures where new bylaws are developed in agreement between the Governing Body and local board.
- 7) Notes that the proposed framework where both the Governing Body and local boards must agree to a bylaw is likely going to create additional time and process on the bylaw development process.

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- 8) Believes that agreement on a bylaw with the majority of affected local boards should be sufficient to achieve agreement, so tardy or negative local boards don't delay them or raise issues of unreasonably withholding consent.

Whau Local Board

Resolution number WH/2025/119

24 September 2025

That the Whau Local Board:

- a) welcome the opportunity to provide feedback on the Local Government (Auckland Council) (Transport Governance) Amendment Bill.

Allocated powers to local boards (Schedule 4):

- b) tuhi ā-taipitopito / note that having allocated decision-making powers on transport decisions enables local boards to develop a cohesive approach and overview of their area by aligning transport decisions with those on urban, economic and community development and community spaces.
- c) tautoko / support the allocated powers to local boards as indicated in Schedule 4, so long as adequate resources are provided to assist with decision making, in particular:
 - i) note that although the allocated powers enable local boards to be more responsive to local needs and preferences, quality advice will be essential when considering conflicting needs and preferences
 - ii) note the increased workload for local board members associated with making informed judicious decisions, further noting that the majority of members work part-time in their local board roles
 - iii) query whether adequate funding will be available to enable and facilitate the implementation of local board decisions
 - iv) request the provision of appropriate training, support and quality advice to enable local boards to effectively exercise additional functions and responsibilities and that this support include (but not limited to):
 - A) appropriate subject matter expertise and quality advice to make effective decisions
 - B) the continuation of relationship management staff who can ensure quality governance and working relationships between local boards and the Transport council-controlled organisation (CCO)
 - C) information on transport assets in the local board area, including their condition
 - D) appropriate budget allocation to enable decision making.
- d) tuhi ā-taipitopito / note that existing legislative constraints may restrict local boards from implementing desired community outcomes, for example where communities have supported slower speeds but this is no longer possible due to the Government's current Speed Rule prohibiting 30km/h as a speed-setting option.
- e) tono / request consideration of a baseline of levels of service for transport be developed and agreed between the Governing Body and local boards in order to provide regional consistency and coordination in service delivery but allow local boards to increase or decrease based on the needs of their communities.

Transport bylaws

- f) tautoko / support greater local board involvement in the making of transport by-laws.
- g) tono / request that staff investigate processes to facilitate collaboration across local boards and with the Governing Body over the making of transport by-laws.

Reformed transport council-controlled organisation (CCO)

- h) tono / request clarity on the roles and responsibilities between Auckland Council as the road controlling authority, and the Transport CCO. For example, clarification is needed on who is ultimately responsible for public transport service and the associated infrastructure to effectively deliver the service such as bus shelters and bus lanes.
- i) tono / request that local board views are obtained and considered by the reformed Transport CCO in relation to providing public transport services in the local board area for example on new routes or services.
- j) do not support any moves that could enable or lead to the future privatisation of Auckland's public transport.
- k) do not support the requirement that delegations to the reformed Transport CCO must be approved by the Minister of Transport. This function should be at the discretion of Auckland Council.

Auckland Regional Transport Committee (ARTC)

- l) tuhi ā-taipitopito / note its concern over the proposed composition of the Auckland Regional Transport Committee, with central government holding an equal number of seats to Auckland Council.
- m) akiaki / urge that the Mayor must have majority Governing Body approval on council appointees to the Auckland Regional Transport Committee, rather than just consulting with the Governing Body.
- n) tuhi ā-taipitopito / note that no other local authority has been required to share transport decision making with central government to such an extent.
- o) tuhi ā-taipitopito / note that central government is already able to exert considerable control over Auckland Council's transport decisions through the Government Policy Statement on land transport.
- p) do not support a 30-year timeframe for a transport plan, noting that the statutory objectives of the proposed plan aligns with those of the current Government Policy Statement on land transport, and that future governments may wish to install different objectives.
- q) tono / request that the long term transport plan take into account Te Tāruke-ā-Tāwhiri: Auckland's Climate Plan.
- r) tuhi ā-taipitopito / note the importance of local boards input into the development of a long-term transport plan.
- s) tūtohu / recommend three yearly reviews of the transport plan instead of six yearly, with input from local boards.

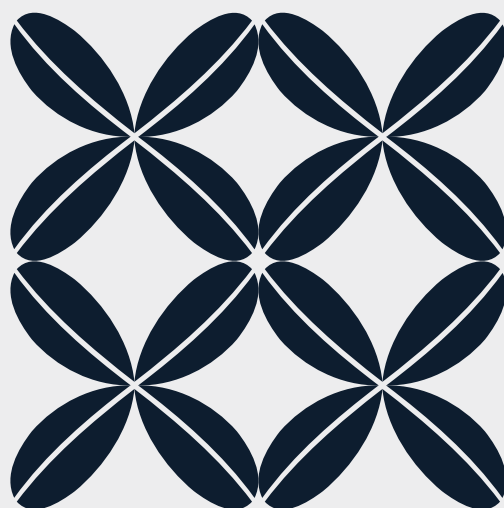
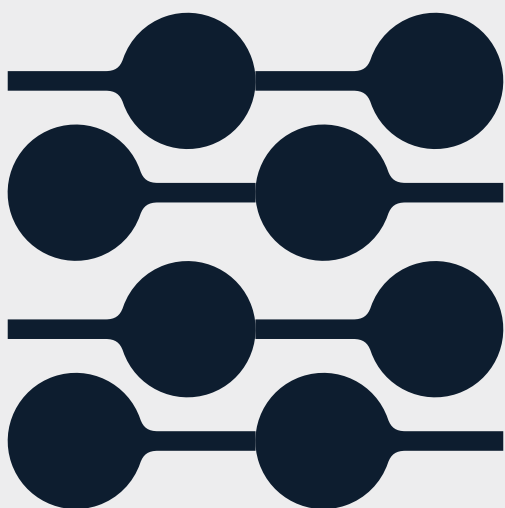
Transition Period

- t) tautoko / support a longer transition period to ensure that the review of Auckland Transport bylaws, policies, and plans, and completion of the Roading Classification Framework are effective and not rushed.

E mahi ana mātou i te mahi mō Tāmaki Makaurau

- u) tuhi ā-taipitopito / note that a longer transition would enable a seamless continuation of current projects and maintenance of transport infrastructure during and immediately after the transition period.
- v) question what happens during and after the transition period to Auckland Transport's current list of priorities on transport capital maintenance and renewals.
- w) tuhi ā-taipitopito / note the importance of retaining qualified experienced Auckland Transport staff and supporting them through the transition to Auckland Council.
- x) tono / request that transitional arrangements be guided by the following principles:
 - i) maintain all existing levels of service
 - ii) deliver on contractual arrangements
 - iii) ensure delivery of existing work programmes
 - iv) provide continuity of service
 - v) ensure that there is no reduced customer satisfaction levels
 - vi) staff are supported during the transition period.
- y) express concern about the feasibility of requiring Auckland Council to review all Auckland Transport bylaws, policies and plans to give effect to the new division of responsibilities between the Governing Body and local boards before the end of the transitional period, noting:
 - i) these all require an element of local board engagement and feedback
 - ii) newly elected local board members will still be onboarding and understanding their roles
 - iii) this work is to take place during a period where local boards are legislatively also required to develop a new local board plan and local board agreement.

CARRIED



Appendix 3

Houkura Independent Māori
Statutory Board Input



Input from Houkura Māori Independent Statutory Board

Number	Clause	Comments
		<p>Māori Impact</p> <p>The Bill, in its current form, misses critical opportunities to uphold te Tiriti o Waitangi and respond to the Issues of Significance for Māori in Tāmaki Makaurau. While the reforms are intended to strengthen transport governance, they risk undermining Māori authority, cultural protections, and equitable access unless Māori partnership is explicitly provided for.</p> <p>He Whenua Makaurau 2025–2030 sets out the values of mana motuhake, rangatiratanga, kaitiakitanga, kotahitanga, whanaungatanga, and wairuatanga as foundations for Māori wellbeing. The Bill does not give effect to these principles. Instead, it relies on generic consultation duties rather than embedding Māori representation, co-design, or accountability for outcomes. This creates a risk of fragmented local approaches and tokenistic engagement that fall short of Treaty partnership, leaving tangata whenua values, Māori community needs, and sites of significance vulnerable.</p> <p>Auckland Council has statutory obligations under the Local Government (Auckland Council) Act 2009 and the Local Government Act 2002 to take account of te Tiriti o Waitangi, to enable Māori to contribute to decision-making, and to act consistently with the Independent Māori Statutory Board’s Issues of Significance. The absence of explicit Treaty obligations in this Bill weakens council’s ability to fulfil these legal duties.</p> <p>To address these gaps, amendments are required to:</p> <ul style="list-style-type: none"> • Guarantee Māori representation and capability at governance levels

		<p>(ARTC, CCO boards, and local decision-making).</p> <ul style="list-style-type: none"> • Safeguard marae, papakāinga, wāhi tapu, and existing cultural agreements in the transition. • Embed Māori outcomes, procurement, and cultural visibility in the mandates of new entities. • Protect Māori engagement expertise and systems during institutional change. • Require monitoring and reporting on Māori outcomes, in partnership with the Independent Māori Statutory Board. <p>These changes directly reflect the <i>He Whenua Makaurau</i> Issues of Significance Māori governance participation, economic wellbeing, climate resilience, marae development, cultural identity, and community safety and ensure Auckland Council can meet its statutory obligations to Māori under te Tiriti. Embedding these obligations will ensure the new transport system advances Māori aspirations and strengthens democratic</p>
38D Membership of ARTC	<p>The ARTC comprises the following members:</p> <ol style="list-style-type: none"> a chairperson: up to 3 members appointed by the Minister of Transport: up to 3 members appointed by the mayor (who must be members of the governing body and may include the mayor): 	<p>Issue: The ARTC’s composition (equal Auckland Council members and Government appointees, plus an independent chair) has no guaranteed mana whenua or Māori representation. This may exclude Māori in strategic decision-making. The Bill only requires providing “opportunities for Māori to contribute,” which is vague and falls short of a partnership approach.</p> <p>Change sought: Include mana whenua representation (e.g. a seat for the Houkura board or iwi nominee) on the ARTC, or at minimum insert a clause requiring the ARTC to formally engage with mana whenua in developing the 30-year plan and Regional Land Transport Plan (RLTP).</p>

	<p>d. 1 non-voting member appointed by and to represent the New Zealand Transport Agency (who must hold an identified office or position within the New Zealand Transport Agency):</p> <p>e. 1 non-voting member appointed by and to represent KiwiRail Holdings Limited (who must hold an identified office or position within KiwiRail Holdings Limited):</p> <p>f. 1 non-voting member appointed by and to represent the transport CCO 15 (who must hold an identified office or position within the transport CCO).</p>	<p>Also require the ARTC to give effect to te Tiriti o Waitangi principles in its functions.</p> <p>Rationale: Ensuring Māori have a voice at the top table is critical for Iwi Ora (strengthening iwi authority) and aligns with the council's statutory duty to enable Māori contributions to decision-making.</p> <p>Without a seat or mandated engagement, long-term transport strategy may overlook impacts on iwi and Māori communities. A co-governance element or robust consultation duty would help the ARTC advance Māori identity - for example by protecting sites of significance and incorporating mātauranga Māori and Whai Rawa Ora (economic wellbeing) by addressing Māori transport needs in the plan. This change would reinforce democratic legitimacy and Treaty obligations, whereas leaving Māori out would contradict the Bill's intent to serve "the people of Auckland."</p>
38E Appointment of chairperson	<p>1. The chairperson of the ARTC is jointly appointed by—</p> <p>a. the mayor (who must have consulted the governing body); and</p> <p>b. the Minister of Transport.</p> <p>2. When appointing the chairperson, sections 28 to 31 of the Crown Entities Act 2004 apply—</p> <p>a. as if a reference to the responsible Minister were a reference to the</p>	<p>Issue: the chair is jointly appointed by the mayor and Minister of Transport, with no requirement to consider Māori capability or te Tiriti o Waitangi responsibilities. This risks the ARTC being led without awareness of Māori outcomes or obligations, despite its role in setting the region's transport direction.</p> <p>Change sought: insert a requirement that, when appointing the chairperson, the mayor and Minister must have regard to governance capability in relation to Māori outcomes and Treaty partnership.</p> <p>Rationale: strengthens leadership accountability to iwi and Māori communities.</p>

	<p>Minister and the mayor; and</p> <p>b. with any necessary modifications.</p> <p>3. Despite subsection (2),—</p> <p>a. the Minister must comply with section 28(4) of that Act:</p> <p>b. section 31(2) of that Act does not apply.</p>	
42B Preparation of plan	<p>1. When preparing a 30-year transport plan for Auckland, the ARTC must—</p> <p>a. seek direction from the Minister of Transport and the mayor; and</p> <p>b. establish and maintain processes to provide opportunities for Māori to contribute to the development and preparation of the plan.</p> <p>2. When preparing a plan, the ARTC must take into account—</p> <p>a. the GPS on land transport issued under section 66 of the Land Transport Management Act 2003:</p> <p>b. government strategies and policies that have implications for transport and land use:</p> <p>c. Auckland Council strategies and policies that have implications</p>	<p>Issue: the ARTC will draft Auckland’s first statutory 30-year transport plan, shaping major investment. However, the Bill does not require the plan to address Māori outcomes, climate resilience, or equity. The plan must align with government policy, but not with Māori wellbeing goals or Te Tāruke-ā-Tāwhiri. This creates a risk the plan will not reflect Māori aspirations, such as access to marae, safer streets in Māori communities, or recognition of kaitiakitanga.</p> <p>Change sought: amend the Bill to require the 30-year plan and RLTP to identify impacts on Māori and contribute to Māori wellbeing outcomes. Insert a duty for the ARTC to consider te Tiriti o Waitangi and council’s Māori outcomes framework when preparing the plan, and to report on how the plan will deliver for Māori. Also require the plan to include emissions reduction and climate adaptation measures that reflect Māori kaitiakitanga values.</p> <p>Rationale: this will ensure the long-term strategy actively advances Te Hapori Ora (healthy communities) and Taiao Ora (environmental wellbeing). Māori are disproportionately affected by transport barriers such as low car ownership, long distances to papakāinga, and unsafe</p>

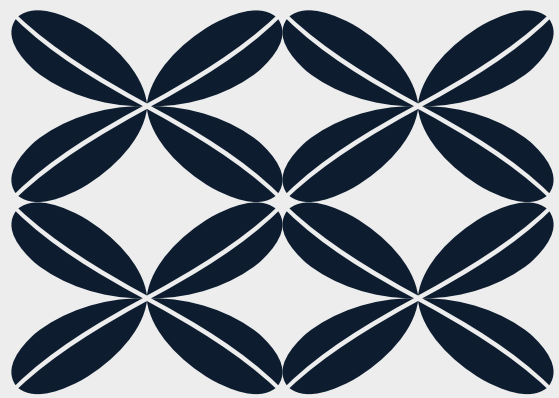
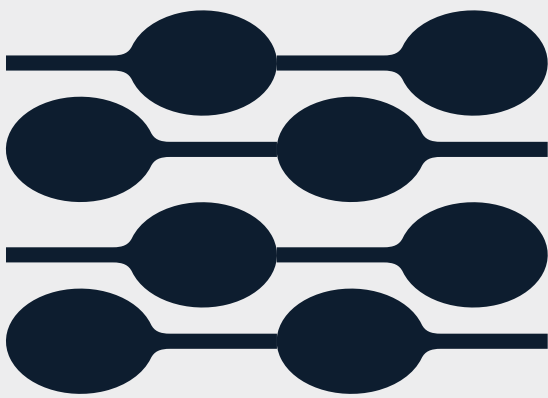
	<p>for transport and land use.</p> <p>3. In subsection (2)(b), strategies and policies includes a national environmental standard, a national policy statement, or a national planning standard made under Part 5 of the Resource Management Act 1991.</p>	<p>routes. A plan that addresses these will produce fairer outcomes and help meet Auckland's climate goals. Without this, the plan risks ignoring Māori needs or shifting with political cycles, perpetuating inequities.</p>
<p>8. Transfer of requiring authority status from transport CCO to Auckland Council</p>	<p>1. On the transfer date, the Auckland Council is treated as the requiring authority in relation to any matter for which the transport CCO is the requiring authority immediately before the transfer date, for the purposes of Part 8 of the Resource Management Act 1991.</p> <p>2. In this clause, transfer date means the date that is the earlier of the following:</p> <p>a. the date on which the Auckland Council directs the transport CCO, under clause 7(2), to stop performing its function under section 45(b)(ii) of the old Act:</p>	<p>Issue: Auckland Transport is currently a requiring authority for transport projects. With functions moving to council, Auckland Council is expected to take over this role. This is supported, as council can take a more holistic view including Treaty responsibilities. However, it is not clear how existing designations and consent conditions many of which include mana whenua input or cultural mitigation requirements will be treated. There is a risk these protections could be diluted during the transfer.</p> <p>Change sought: clarify that all existing designations, consents, and conditions held by AT transfer to Auckland Council unchanged, and that council will honour and implement any cultural mitigation measures attached. Require that when council initiates new designations, it follows mana whenua engagement protocols set out in the Auckland Unitary Plan and Māori heritage policies.</p> <p>Rationale: this ensures Marae Ora and Tuakiri Ora are safeguarded in infrastructure development. Many transport projects affect ancestral lands or waterways, and continuity of protections such as iwi monitors on-site is essential. Confirming this in the Bill reassures iwi</p>

	b. the end of the transitional period.	that governance changes will not weaken commitments already made, and that cultural care standards will remain high.
12. Transition director must develop transition plan	<ol style="list-style-type: none"> 1. The transition director must prepare a transition plan that sets out— <ol style="list-style-type: none"> a. the strategy for, and the timing of, the transition between the old Act and the new Act in relation to the respective functions of the Auckland Council and the transport CCO; and b. the status of the roles of affected employees as determined by the transition director under clause 21(1); and c. the assets, rights, liabilities, contracts, entitlements, undertakings, and engagements of the transport CCO that will be subject to a deed of transfer under clause 20. 2. The transition plan must be approved by the governing body of the Auckland Council. 	<p>Issue: the Bill sets a six-month transition period, with a Transition Director to manage the shift of functions from AT to council. This compressed timeframe risks sidelining Māori engagement. It is unclear whether the Transition Director will have a mandate to engage mana whenua, or whether Māori-focused roles and expertise will be retained. Rapid change can strain capacity, leaving Māori partnership as an afterthought.</p> <p>Change sought: require the Transition Director’s plan to include a Māori engagement plan to keep mana whenua and mataawaka informed and involved. This could include forming a Māori advisory group for the transition. If the AT board is reconstituted during this period, require that Māori governance capability is maintained or enhanced. Allow flexibility to extend the six-month transition if extra time is needed to meet Treaty obligations.</p> <p>Rationale: large-scale reforms in short timeframes often risk overlooking Māori, leading to relationship and legal issues. By embedding a Māori engagement workstream, the transition can protect continuity of iwi and marae partnerships, and ensure existing Māori outcomes projects are carried forward</p>
22. Employment of affected employees by Auckland Council	<ol style="list-style-type: none"> 1. This clause applies in respect of any affected employee who is determined under clause 21(1)(a) to be 	<p>Issue: the Bill provides for staff transfers between AT and council, preserving pay and conditions. A risk is the potential loss of Māori engagement expertise if specialist roles are not carried over. This</p>

	<p>required by the Auckland Council to carry out its functions under the new Act.</p> <p>2. The chief executive of the Auckland Council may offer equivalent employment to the affected employee, being employment that is—</p> <ul style="list-style-type: none"> a. in substantially the same position; and b. on terms and conditions (including, without limitation, in relation to the employee’s overall remuneration and any service-related, redundancy, or superannuation conditions) that are no less favourable than those applying to the employee immediately before the date on which the offer of employment is made to the employee; and c. on terms that treat the period of service with the transport CCO (and every other period of service recognised by the transport CCO as continuous service) as if it were continuous service with the Auckland Council. <p>3. If the affected employee accepts an offer of employment under subclause (2), the employee’s employment by the Auckland Council is to</p>	<p>would reduce council’s capacity to deliver for Māori during and after the transition.</p> <p>Change sought: as part of the transition plan, identify and retain key roles that support Māori outcomes and relationships (such Māori Outcomes kaimahi). Ensure no gaps arise in these functions, for example through secondments or interim joint teams.</p> <p>Rationale: protecting Māori capability aligns with aspirations to have the right capability, people, and systems to deliver outcomes. Staff who carry Te Tiriti knowledge, te reo skills, and established iwi relationships are essential for continuity and trust. Retaining this capability will prevent setbacks in Māori partnership and ensure the reform’s positive intent is realised.</p>
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	<p>be treated as continuous employment, including for the purpose of service-related entitlements, whether legislative or otherwise.</p> <p>4. An affected employee who is offered employment under subclause (2) is not entitled to receive any contractual notice or any payment, benefit, or compensation from the transport CCO or the Auckland Council on the grounds that—</p> <p>a. the affected employee’s position in the transport CCO has ceased to exist, whether or not the employee accepts the offer; or</p> <p>b. the person has ceased to be an employee of the transport CCO as a result of the employee’s employment by the Auckland Council.</p> <p>5. The employment of an affected employee by the Auckland Council does not—</p> <p>a. constitute new employment, including for the purposes of the Holidays Act 2003 or the KiwiSaver Act 2006 or any service-related entitlements or benefits (whether legislative or otherwise); or</p>	
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	<ul style="list-style-type: none"> b. treat that employee as a new employee for the purposes of the Employment Relations Act 2000. <p>6. This clause overrides—</p> <ul style="list-style-type: none"> a. Part 6A of the Employment Relations Act 2000; and 25 b. any employee protection provision in any relevant employment agreement. 	
	<p>Issue: with Auckland Council becoming the road-controlling authority, the power to make transport bylaws such as speed limits, parking, and traffic rules shifts from AT to council. Existing bylaws and policies will need to be reviewed or reissued under council authority. Tight timeframes risk rushed reviews without Māori consultation. Important strategies like the Parking Strategy or Cycling Programme may also be revised by new decision-makers without regard for Māori outcomes.</p>	<p>Change sought: require that any review of transport bylaws or policies includes consultation with mana whenua and mataawaka. For example, when updating the Speed Limits Bylaw, council should engage with Māori communities who may advocate for lower speeds near kura or marae. Insert a safeguard that existing AT strategies on safety and active modes are not weakened during the transition unless improvements are made.</p>



Appendix 4

Auckland Transport Input



Auckland Transport input to Council-group feedback: Local Government (Auckland Council) (Transport Governance) Amendment Bill

Note: this is an intra-Council Group document to reflect the Auckland Transport submission points. This should not be read in addition to the Auckland Council submission, as all submission points that Council has agreed to, are included in the body of the submission or the clause by clause table (in the appendix).

Auckland Transport Submission Point	Auckland Council Response
Establishment of a new Auckland Regional Transport Committee (clauses 38-41, Schedules 1 and 4)	
Governance (clauses 38E-40C, new Schedule 1, new Schedule 4)	
<ul style="list-style-type: none"> We recommend consideration is given to how the ARTC will fulfil its obligations under Section 3 of the Land Transport Rule; Setting of Speed Limits 2022, as amended by the Land Transport Rule: Setting of Speed Limits Amendment 2023, with respect to consultation on and adoption for publication any future speed management plans prepared by Auckland Council in its capacity as Road Controlling Authority. We suggest that Government and Council generally consider the likely workload of the ARTC. Experience from 2024 shows that the development of the Regional Land Transport Plan (RLTP) requires a considerable time commitment from Regional Transport Committee members. For the 2027 round, we estimate that the combination of a 30 Year Plan and RLTP will require as many as 24 meetings and workshops, over a two-year period, plus consideration of papers and additional material. However, the workload in the year following completion of the Regional Land Transport Plan is generally modest. 	<p>Out of Scope. Note, under the current Setting of Speed Limits Rule 2024, the reference to the regional transport committee in Section 3 has been removed. Further, the ARTC is not a regional transport committee in the traditional sense. Under the Bill, the ARTC does not have any role in relation to the setting of speed limits.</p> <p>Noted, but out of scope for submission.</p>

<ul style="list-style-type: none"> We also recommend that further consideration be given to the proposed minimum number of meetings for the ARTC , which is currently set at once every 3 months. We have concerns that this may not be frequent enough based on the volume of work expected. 	Out of scope for submission. The Bill states “at a minimum, must meet once every 3 months” (clause 41(1)) but it remains open to the ARTC to meet more regularly if needed.
30-year transport plan (clauses 42 – 42F)	
<p>The provisions covering the purpose, content, and development of the 30-year Plan are clearly stipulated.</p> <p>However, there is an inconsistency in the legislation between the purpose of the plan and the provisions by which it is implemented in other key statutory documents. Under 42 (2), the purpose of the plan is to provide ‘direction for the development of land transport in Auckland’ and set the ‘strategic direction for the planning and funding of, and the investment in, land transport in Auckland. This would imply the Plan should guide the development of other planning and funding documents that make key funding and investment decisions. However, the legislation only requires that the GPS, NLTP and LTP should ‘take into account’ the 30-year plan. This standard of consideration is inconsistent with the purpose of the Plan. More importantly, it also undermines the value of the Plan as a key new mechanism to align transport funding and investment decisions with the agreed strategy.</p> <p>To resolve this issue, we recommend amending the legislation so that the NLTP and LTP, which are key implementation documents, are required to be ‘consistent’ with the Plan.</p>	Considered but not included - given the nature of the various plans and the role of the 30-year plan, council considers the requirements for the GPS, NLTP and LTP to "take into account" the 30-year plan, and for the RLTP to "be consistent with" that plan, are appropriate.
Transport council-controlled organisation (subpart 3)	
Under the proposed legislation, the transport CCO (assuming it receives no delegations) has a limited purpose of providing public transport services in Auckland. However, the definition of a public transport service under the Land Transport Management Act 2003 is too restrictive and narrow, and therefore not aligned with delivering a high-performing entity that is customer service-focussed, efficient, effective and affordable.	In submission

<p>The narrow purpose of the transport CCO also does not align with one of the key objectives of the Bill, which is to create a statutory CCO that focuses on providing an effective, efficient, and safe public transport system in Auckland. In practice, and to achieve this policy objective, we think the CCO would need to be provided/delegated with a broader set of PT system-related functions beyond the narrow PT services focus in order to add value and succeed for Auckland.</p>	In submission
Auckland Council's functions (subpart 4)	
Road Classification Framework (clause 48; Schedule 1, clause 10)	
<p>The Bill requires Auckland Council to develop the Auckland Roding Classification Framework, which classifies roads within Auckland as arterial roads, local roads, collector roads, or city centre roads. The Framework will significantly affect the division of responsibilities between the governing body and local boards in respect of transport matters. However, the current provisions require minor changes to improve understanding and to provide more regulatory certainty.</p> <p>We recommend minor amendments to Clause 48(2) to clarify the requirements for classifying roads and align with existing transport plans and strategies. These amendments are required to fully realise the objectives of the Bill, particularly to ensure the safe and rapid movement of people and goods, the provision of an effective, efficient, and safe public transport system, and the effective delivery and implementation of the long-term integrated transport plans in Auckland.</p> <p>The following considerations are recommended:</p> <ul style="list-style-type: none"> Clarify the definition of a road in this clause (i.e., does Council need to classify LGA 1974 roads or the wider LTA 1998 roads). We also need to clarify how the legislation expects Council to consider roads that do not fall within the current definitions of arterial, collector, local, or city centre roads. 	<p>In submission</p> <p>The submission notes the need for further detailed work to be done, and these suggestions are noted for that work</p> <p>In submission – the submission notes the need for further detailed work to be done, and these suggestions are noted for that work</p>

<ul style="list-style-type: none"> • We recommend that clause 48(2)(a)(ii) be amended to add <u>or activity</u> between the words ‘town’ and ‘centres’ to cover important activity centres in Auckland that might otherwise be classified as local/connector roads (for example, Eden Park or Muriwai Beach). There are also various types of centres (city, metro, town and activity centres) that fall under the broader set of activity centres, not exclusively labelled as town centres. • We recommend that clause 48(2)(a)(iii) be amended to add <u>or strategic freight locations</u> after State highways to note that some of the strategic freight routes, which connect to logistics hubs or freight origins such as quarries, do not utilise State highways. This minor change recognises other strategic freight areas that are critical to facilitate productive movement of local, regional, inter-regional and international freight. • We recommend that clause 48(2)(a)(iv) be amended to remove reference to special vehicle lanes, to read as: “carries a significant volume of passenger transport and includes special vehicle lanes (as defined in clause 1.6 of the Land Transport (Road User) Rule 2004); or”. Special vehicle lanes are a mechanism to allocate road space for different classes of vehicles where there are deficiencies in the network. These include other vehicles (i.e., not only buses) and cycle lanes. In addition, most roads which carry a significant volume of passenger transport do not have special vehicle lanes. Under the Bill’s current wording, these roads (while they carry significant passenger volumes) might not be classified as arterial roads just because they do not have special vehicle lanes. • We recommend that further clarity is provided for roads that would not fall under any of the classifications provided by the Bill (especially if we use the broader definition of roads under LTA 1998), 	
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particularly on where the responsibility to make transport decisions would sit.	
Delegations / powers to LBs (clauses 47B and 47D; schedule 4)	
<p>One of the key objectives of the proposed legislation is to ensure democratic accountability for transport decision-making in Auckland. In order to achieve this policy objective, the Bill provides for the division of responsibilities between the governing body and local boards in relation to the road controlling authority powers, functions, and responsibilities in Auckland.</p> <p>Without questioning the intent of the legislation, we observe that the complexity of the current legislative framework – where the powers and responsibilities of RCAs and local boards are spread across multiple pieces of legislation – will inevitably lead to a framework where there are significant overlaps and inconsistencies in decision-making powers. This means that decision-making will be complex for decision makers, stakeholders, and the public to understand and is likely to be resource-intensive to administer and support. We recommend a different approach to allocating decision-making functions that achieves the same outcome. This could occur, for example, through secondary legislation, which could be developed over a longer timeframe, allowing some of the technical issues and inconsistencies with the approach in the Bill to be resolved.</p> <p>We also think the challenges presented by the Bill present a useful opportunity for the Council to submit to the government the need to review all the legislation in this area, with the objective of streamlining and simplifying decision-making. It is impractical, for example, that there are two different definitions of ‘road’ under different acts – the Local Government Act 1974 and the Land Transport Act 1998.</p> <p>If parliament continues with the current approach in the Bill, we recommend the following revisions to improve operation.</p>	<p>Noted</p> <p>In submission</p> <p>Out of Scope</p>

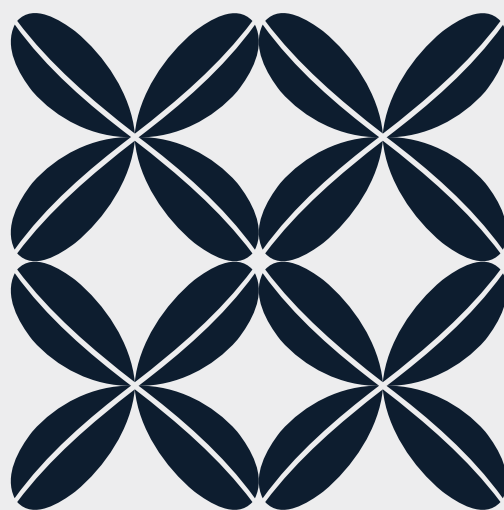
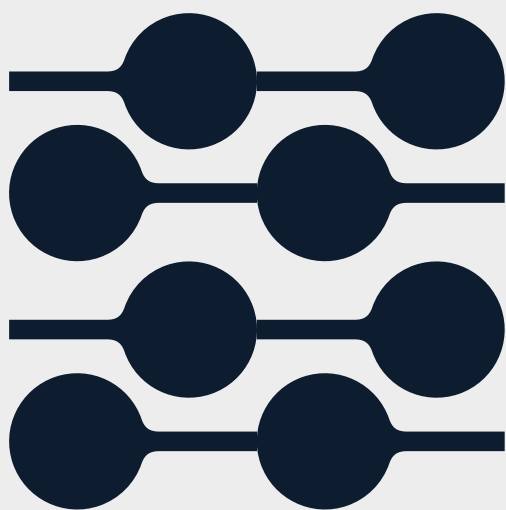
<ul style="list-style-type: none"> • We recommend that clause 47A be amended to clarify and make explicit the approach that is assumed to underpin the allocation of decision-making powers between the Governing Body and Local Boards in the Bill. In particular, it would be helpful to note that the Governing Body (and its delegates) retain funding allocation powers under the LGA and, consequently, the proactive exercise of new local board decision-making powers in the Bill would require a collaborative approach where funding and local decision-making should be aligned. Similarly, where the governing body proposes changes to the local and collector road network, these will need to be enabled by local board decisions in relevant areas. Further clarity on this space would improve local board and public understanding and reduce uncertainties during the transitional period. • We recommend that Clauses 47A and 47B be modified to ensure that all transport decisions are consistent with the 30-year Transport Plan. This aligns with the overall purpose of that Plan, which is to direct the development of the transport network. • We recommend that clause 47B be amended to add subclause (c) to read: <u>the operation of arterial roads in the affected area</u>. There are significant transport powers that could negatively affect the operation of arterial roads and network productivity, and we recommend that the legislation be explicit that subsequent transport decisions should not negatively affect such operation. • We also recommend that clause 47B not apply to the governing body. In performing these transport powers, functions, and responsibilities, the governing body would have to give regard to the safe and rapid movement of people and goods from a total network perspective, and subject to the standard public law decision-making requirements (and any specific requirements under individual 	<p></p> <p>Noted</p> <p>Not included</p> <p>Not included</p>
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statutory powers). This change will enable a less complex process and reduce administrative requirements, while meeting the same policy objectives.	
Interim governing body of transport CCO (clause 9)	
<p>The Bill proposes appointing three directors to serve as the interim governing body of the transport CCO. However, the transport CCO would still be exercising many of the powers of Auckland Transport and, in order to maintain momentum, would need to have a similar workload during the transitional period. Considering the expected volume, complexity, and breadth of the decisions required, we recommend that a minimum of five directors be appointed to the interim governing body.</p> <p>We also recommend considering the continuity of some directors from Auckland Transport, as this will be critical in ensuring a smooth transitional period for the transport CCO.</p>	<p>In submission, but note Council wording “up to five members”</p> <p>Noted</p>
Transition Director, powers, ER/HR provisions (clauses 11, 19, 21-23)	
<p>We recommend a number of minor technical amendments to various transitional, savings, and related provisions to ensure ongoing operational continuity and better facilitate transition.</p> <ul style="list-style-type: none"> • <u>Transport CCO identity</u>: It would be beneficial if it were clarified that during this period, the Transport CCO can refer to itself as “Auckland Transport” for the purposes of carrying out functions under the “Old Act” (e.g. issuing of infringements, notices, public communications, etc). • <u>Saving of delegations by Auckland Council to Auckland Transport</u>: A number of Auckland Transport activities are undertaken via delegations from the Auckland Council (e.g. Harbourmaster activities, acquisitions under the Public Works Act). We recommend that the proposed legislation provide more clarity on such delegations. 	<p>Not included. Council considers this is adequately provided for in clause 7 of the new Part 3 in Schedule 1AA (Schedule 1 of the Bill).</p> <p>In submission</p>

<ul style="list-style-type: none"> • <u>Saving of delegations by Auckland Transport in respect of ARTC functions:</u> There is an active delegation in place (to Auckland Council) regarding preparatory works for RLTP, etc., that should stay in place to support the establishment/activities of the ARTC. • <u>Saving of Auckland Transport Parking officer warrants:</u> Parking officer warrants issued under section 128(d) of the Land Transport Act 1998 should be added to clause 19. • <u>Public Works acquisitions/land disposals, etc:</u> This activity relies in part upon sections 47, 48, 51 and 52 of the “Old Act” (along with delegations between Auckland Council and Auckland Transport), which should be included in Transport CCO’s additional powers during the transition period. • <u>Continuity of Auckland Transport rights/approvals, etc:</u> In addition to contractual rights, etc. (per clause 20), reference should be made to designations, RMA consents, regulatory approvals, funding contracts/commitment with NZTA and other entities. Such RMA consents should include “fast track” listing/approvals. • <u>Transfer of Auckland Transport’s assets/rights to Auckland Council:</u> To avoid triggering change in control/assignment related issues (or needs for approvals), it is preferable for contractual/asset transfer, etc. to occur by way of a statutory vesting order to Auckland Council (in whole or part – say where contracts/approvals/designation benefit both the functions of Transport CCO and Auckland Council/Local Boards). • The Bill should clarify (in a similar manner as clause 23) that “affected employees” of AT become employees of the Transport CCO on royal assent in the same role and on the same terms (including, without limitation, the benefit of any visa related rights; transfer of employment protections, etc). 	<p>Noted. Proposal is for some Auckland Transport Strategy, Planning and Policy staff (as part of Early Opportunity 1) to be in place by this time</p> <p>In submission</p> <p>In submission</p> <p>In submission</p> <p>In submission</p> <p>In submission</p>
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<ul style="list-style-type: none"> • Such terms of employment continue for “affected employees” until a transfer to Auckland Council occurs under clause 22 or the role/terms are varied by the Transport CCO in accordance with the mechanisms in those existing terms (including any restructuring or compensation rights) or the person’s employment ceases. We prefer that selection of roles required by the Transport CCO are made by the Chief Executive of the Transport CCO, or if that is not possible, at least in consultation with the Chief Executive of the Transport CCO. • As Auckland Council has limited transportation related functions, it is anticipated that most operational roles undertaken by former AT employees (“affected employees”) would be required (at least initially) by Auckland Council to carry out its new functions. Retaining key employment terms initially will ensure continuity of service delivery and this has informed AT’s submission on the transfer mechanisms. • Where the role of an “affected employee” is identified as being required by Auckland Council to carry out its new functions under clause 21(1)(a), the person in that role <u>must</u> be offered the same or equivalent role and terms in accordance with clause 22(2). If such a role is accepted or declined, compensation is not payable per clause 22(4). 	<p>In submission</p> <p>Considered but not included. While Auckland Council agrees that continuity of service is essential through the transition. Auckland Council ‘s view is that ‘key employment terms’ is undefined and could create uncertainty or inconsistency.</p> <p>Considered but not included. We have submitted on clarification of the word ‘may’ but with alternatives for equivalent employment and offers that are not equivalent (in particular where the role is not substantially similar). Auckland Council’s submission already supports fair and consistent treatment of affected employees, with the Auckland Council submission recommending offers of employment on terms that are <i>“overall no less favourable”</i> as existing terms and conditions. This provides an appropriate level of protection and continuity without constraining future alignment to Council’s employment policies or organisational design.</p>
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<ul style="list-style-type: none"> • Clause 21 of the Bill should enable Auckland Council to determine under 21(1)(a) that only a portion of a Transport CCO role (or a new role) is required by Auckland Council to enable it to undertake its new functions. In that circumstance, it <u>must</u> make an offer to an “affected employee” for such a varied/new role on the same or equivalent terms and conditions per clause 22(2)(b) and (c) or different terms with service being recognised per 22(2)(c). If such an offer is accepted, compensation is not payable. However, if a role is accepted on lesser remuneration, consideration should be given to a remuneration transition period. 	<p>Not included in submission. If a role changes (for example only part of it is required) Auckland Council cannot be required to offer all the same terms and conditions as this would have significant risk of creating disparity issues. Auckland Council’s submission is a lot more nuanced on these points, recognising that roles may change in scope or function through the transition. We have included in the submission a breakdown of when redundancy compensation is payable, and also includes considering a remuneration transition period</p>
<ul style="list-style-type: none"> • Clause 21 of the Bill should enable Auckland Council to determine that where there are similar roles in both organisations, such that rationalisation is required, and in such circumstances Auckland Council <u>must</u> undertake a fair selection process with equal opportunities for employees of both organisations to be considered for ongoing employment. 	<p>Considered but not included. Auckland Council has committed to undertaking a fair selection process in accordance with our usual approach but being bound to something specific in the Bill could be unhelpful, however in reality, if it is a fairly broad statement regarding selection process it is unlikely to deviate from what we would do in practice.</p>
<ul style="list-style-type: none"> • To avoid process uncertainty/complexity in respect of the transfer framework included in the Bill, it may be appropriate to consider whether clause 22(6) applies to all of the provisions in the Bill that govern employee selection/transfer/compensation process. 	<p>In submission</p>



Appendix 5

Glossary



Glossary

The following terms are used in Auckland Council's submission:

ARTC	Auckland Regional Transport Committee
CCO	Council-controlled organisation
GPS	Government Policy Statement on Land Transport
LGA	Local Government Act 2002
LGACA	Local Government (Auckland Council) Act 2009
LGOIMA	Local Government Official Information and Meetings Act 1987
NLTF	National Land Transport Fund
NLTP	National Land Transport Programme
NZTA	New Zealand Transport Agency
RMA 1991	Resource Management Act 1991
RLTP	Regional Land Transport Plan
RCA	Road Controlling Authority



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Private Bag 92250, Auckland 1142, New Zealand

26 September 2025

Mayor of Auckland, Wayne Brown

Chief Executive Auckland Council, Phil Wilson

By email

Dear Mayor Brown and Phil

New Public Transport Services Entity

In our letter of 19 September 2025, the Board said it would share its thoughts on the functions and structure for the new public transport (PT) services entity.

We have approached this from the lens of an entity focused on delivering a high level of customer service and experience, which is safe, efficient and affordable. In providing our views we have assumed a standalone entity (as generally described in the draft legislation).

We have identified below the core performance measures across all modes (bus, ferry and rail) which we expect Auckland Council will use to monitor performance. To deliver these performance measures, the entity should have direct functional control or significant influence over resources.

Primary measures:

- Passenger boardings
- Unique customers
- Punctuality
- Reliability
- Utilisation
- Customer satisfaction
- Safety (public safety and PCBU)

Other measures:

- Decarbonisation (of bus and ferry fleet)
- PT accessibility - cycling and pedestrian access to PT (first and last leg)
- Disruption and Communications
- RLTP and RPTP effectiveness
- Office of Auditor General recommendations

Financial measures:

- Private Revenue Ratio (PRR) (could be a shared measure)
(this is a relatively new measure, more comprehensive than farebox recovery. It is the ratio of non-rates and tax funding sources as a percentage of the expense to deliver public transport services (excluding capital). Future funding provisions through the RLTP are determined by PRR achievement / improvement. NZTA also measures total cost (including capex) against (non-publicly funded revenues).
- Financial
- Minor capital improvements programme

In addition to the ongoing core measures, success of the PT entity is deeply linked to major investments in the coming 12 to 24 months. The functional design of the new PT entity must support these:

- CRL readiness
- Eastern Busway readiness
- National Ticketing System functionality and fitness for purpose
- Auckland Transport Operations Centre (ATOC) and Auckland Rail Operations Centre (AROC) integration under the new transport model for Auckland

- Mobilisation of new PT services contracts including bus tranche 2 and 3, plus western ferry services
- Operationalisation of the electric and hybrid ferry fleet

There are also core dependencies to consider in the functional design. One significant one is the integrated asset management and service delivery contracts (e.g. Auckland One Rail and Downer) which should remain under the control of the new entity as they relate directly to customer experience.

Our view is the functional design needs to include some enabling functions (finance, HR, technology, safety, customer support etc.,) and these should be leverage through the group shared service model to the extent relevant.

To assist the Council and during the transition period, we can provide information about costs and FTEs based on the current PT operating model within Auckland Transport.

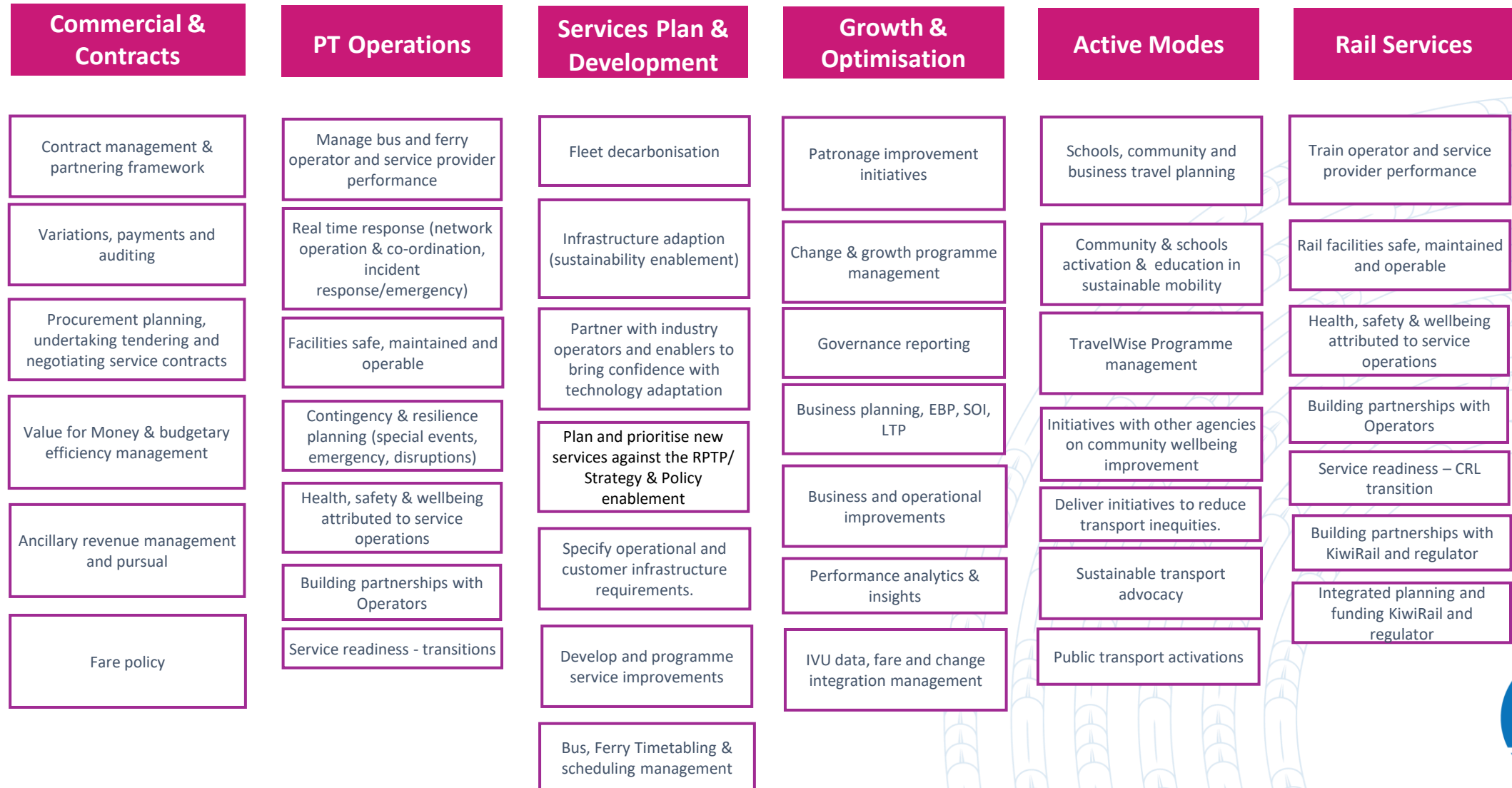
The attached diagrams set out our view on what should be included in the PT services entity functional design.



Julie Hardaker

Deputy Chair, on behalf of Chair, Richard Leggat and Auckland Transport Board Members

PT Services entity functions



PT Services entity structure/functional design

