



Local Government (Auckland Transitional Provisions) Amendment Act 2015

Public Act 2015 No 114
Date of assent 23 November 2015
Commencement see section 2

Contents

		Page
1	Title	2
2	Commencement	2
3	Principal Act	2
Part 1		
Substantive amendments		
4	Section 136 amended (Hearing procedure)	2
5	Section 144 replaced (Hearings Panel must make recommendations to Council on proposed plan)	2
	144 Hearings Panel must make recommendations to Council on proposed plan	2
6	Section 158 amended (Right of appeal to High Court on question of law)	3
7	Section 161 amended (Minister for Environment and Minister of Conservation to establish Hearings Panel)	3
8	Section 165 amended (Powers of chairperson)	4
Part 2		
Validations and consequential amendments		
9	New sections 170 and 171 and cross-heading inserted	4
	170 Closing date for submissions to Council on proposed plan	4
	171 Concurrent hearing sessions held before 2015 amendments	4
10	Consequential amendments	5

Schedule
Consequential amendments

6

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Local Government (Auckland Transitional Provisions) Amendment Act 2015.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Principal Act

This Act amends the Local Government (Auckland Transitional Provisions) Act 2010 (the **principal Act**).

Part 1
Substantive amendments

4 Section 136 amended (Hearing procedure)

In section 136(1), replace “3” with “2”.

5 Section 144 replaced (Hearings Panel must make recommendations to Council on proposed plan)

Replace section 144 with:

144 Hearings Panel must make recommendations to Council on proposed plan

- (1) The Hearings Panel must make recommendations on the proposed plan, including any recommended changes to the proposed plan.
- (2) The Hearings Panel may make recommendations in respect of a particular topic after it has finished hearing submissions on that topic.
- (3) The Hearings Panel must make any remaining recommendations after it has finished hearing all of the submissions that will be heard on the proposed plan.

Scope of recommendations

- (4) The Hearings Panel must make recommendations on any provision included in the proposed plan under clause 4(5) or (6) of Schedule 1 of the RMA (which relates to designations and heritage orders), as applied by section 123.
- (5) However, the Hearings Panel—
 - (a) is not limited to making recommendations only within the scope of the submissions made on the proposed plan; and

- (b) may make recommendations on any other matters relating to the proposed plan identified by the Panel or any other person during the Hearing.
- (6) The Hearings Panel must not make a recommendation on any existing designations or heritage orders that are included in the proposed plan without modification and on which no submissions are received.
Recommendations must be provided in reports
- (7) The Hearings Panel must provide its recommendations to the Council in 1 or more reports.
- (8) Each report must include—
 - (a) the Panel’s recommendations on the topic or topics covered by the report, and identify any recommendations that are beyond the scope of the submissions made in respect of that topic or those topics; and
 - (b) the Panel’s decisions on the provisions and matters raised in submissions made in respect of the topic or topics covered by the report; and
 - (c) the reasons for accepting or rejecting submissions and, for this purpose, may address the submissions by grouping them according to—
 - (i) the provisions of the proposed plan to which they relate; or
 - (ii) the matters to which they relate.
- (9) Each report may also include—
 - (a) matters relating to any consequential alterations necessary to the proposed plan arising from submissions; and
 - (b) any other matter that the Hearings Panel considers relevant to the proposed plan that arises from submissions or otherwise.
- (10) To avoid doubt, the Hearings Panel is not required to make recommendations that address each submission individually.

6 Section 158 amended (Right of appeal to High Court on question of law)

Replace section 158(6) with:

- (6) Notice of the appeal must be filed with the High Court, and served on the Auckland Council, no later than 20 working days after the Council notifies the matters under—
 - (a) section 148(4)(a), in the case of an appeal under subsection (1) or (3); or
 - (b) section 151(5), in the case of an appeal under subsection (2).

7 Section 161 amended (Minister for Environment and Minister of Conservation to establish Hearings Panel)

- (1) In section 161(2)(b) and (7), replace “7” with “10”.
- (2) After section 161(8), insert:

(8A) The Ministers may appoint an additional member or a replacement member only after consulting the Auckland Council, the Independent Māori Statutory Board, and the chairperson of the Hearings Panel (or the existing members of the Hearings Panel if there is no chairperson).

8 Section 165 amended (Powers of chairperson)

(1) After section 165(a), insert:

(aa) to direct that the Hearings Panel hold 2 or more hearing sessions concurrently:

(2) Replace section 165(b) with:

(b) to appoint another member to act as chairperson for the purposes of any hearing session at which he or she will not be present for any reason, including because hearing sessions are being held concurrently:

Part 2

Validations and consequential amendments

9 New sections 170 and 171 and cross-heading inserted

After section 169, insert:

Validations

170 Closing date for submissions to Council on proposed plan

Despite section 123(7) and (9), 28 February 2014 must be treated as if it is, and always was, the closing date for submissions on the proposed plan (other than further submissions) for the purposes of this Act.

171 Concurrent hearing sessions held before 2015 amendments

- (1) This section applies to any hearing session that was held concurrently with another hearing session before the commencement of the Local Government (Auckland Transitional Provisions) Amendment Act 2015 (the **2015 Act**).
- (2) The hearing session must be treated as if—
- (a) this Act as amended by the 2015 Act applied in relation to the hearing session; and
 - (b) the hearing session was—
 - (i) held in accordance with a direction given under section 165(aa) (as inserted by the 2015 Act); and
 - (ii) chaired by a chairperson appointed under section 165(b) (as amended by the 2015 Act) if the hearing session was chaired by a member other than the chairperson of the Hearings Panel appointed under section 161.

10 Consequential amendments

Amend the principal Act as set out in the Schedule.

Schedule

Consequential amendments

s 10

Section 115

In section 115(1)(j), delete “on the completion of the hearing of submissions, but”.

After section 115(j), insert:

- (ja) the Hearings Panel may make recommendations to the Council in respect of a particular topic once it has finished hearing submissions on that topic:

In section 115(1)(k), replace “the Council must make decisions on the recommendations of the Hearings Panel no later than 20 working days after receiving the recommendations” with “after it has received all of the Hearings Panel’s recommendations, the Council must make decisions on the recommendations within 20 working days”.

Section 124

In section 124(5)(b), after “report”, insert “(or reports)”.

In section 124(8), replace “Panel’s report under section 144(5) to provide” with “Panel to provide, in a report under section 144(7),”.

Section 146

In section 146, replace “under section 144(5)” with “or reports under section 144(7)”.

Section 148

In section 148(2)(b), replace “that was not made available to the Hearings Panel” with “unless it was made available to the Hearings Panel before the Panel made the recommendation that is the subject of the Council’s decision”.

In section 148(4), after “provided with the report”, insert “(or, if there is more than 1 report, the last of the reports)”.

Section 150

In section 150, replace “of the Hearings Panel required under section 144(5)” with “or reports provided by the Hearings Panel under section 144(7)”.

Legislative history

14 October 2015	Introduction (Bill 70–1)
17 November 2015	First reading, second reading, committee of the whole House
19 November 2015	Third reading
23 November 2015	Royal assent

This Act is administered by the Department of Internal Affairs.