

America's Cup (Planning) Act Repeal Act 1990

Public Act 1990 No 76
Date of assent 1 August 1990
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An Act to repeal the America's Cup (Planning) Act 1989

BE IT ENACTED by the Parliament of New Zealand as follows:

1 Short Title

This Act may be cited as the America's Cup (Planning) Act Repeal Act 1990.

2 Repeal of America's Cup (Planning) Act 1989 and savings

- (1) The America's Cup (Planning) Act 1989 is hereby repealed.
- (2) Part 3 of Schedule 1 of the Ombudsmen Act 1975 is hereby amended by omitting the item relating to the America's Cup Planning Authority.
- (3) The Local Government Official Information and Meetings Act 1987 is hereby amended—

- (a) by repealing section 46(4)(d):
 - (b) by omitting from Part 2 of Schedule 1 the item relating to the America's Cup Planning Authority.
- (4) Subject to subsection (5), the America's Cup Planning Authority shall continue in existence, and the America's Cup (Planning) Act 1989, the Ombudsmen Act 1975, and the Local Government Official Information and Meetings Act 1987 shall continue in force and operate, as if subsections (1) to (3) had not been enacted, for the purpose of—
- (a) finally determining every application made, before 27 April 1990, under section 15 of the America's Cup (Planning) Act 1989; and
 - (b) giving effect to every consent, change, or variation granted or agreed to by that Authority or the Environment Court following any such application—
- but for no other purpose.
- (5) For the purposes of subsection (4) and of determining any application to which that subsection applies—
- (a) the proposal or facility or proposed facility to which the application relates shall be deemed to meet the criteria set out in section 16 of the America's Cup (Planning) Act 1989; and
 - (b) the America's Cup (Planning) Act 1989 shall be read as if—
 - (i) in section 18(1) the words “, being not less than 10 working days after the date of the public notice,” were omitted:
 - (ii) in section 18(2)(b) the words “, being not less than 10 working days after the expiry of the period within which objections or submissions may be lodged pursuant to subsection (1) of this section” were omitted:
 - (iii) sections 24, 28, and 29(1) had not been enacted:
 - (iv) in section 29(2) the words “, within 5 working days after receiving notification of the decision,” were omitted:
 - (v) in section 29(3) the words “Subject to this section,” were omitted:
 - (vi) section 29(4), (5), and (6) had not been enacted:

- (vii) section 36(1) had not been enacted;
- (viii) in section 36(2) the words “pursuant to subsection (1) of this section” were omitted; and
- (c) the fact that an applicant withdraws or does not wish to proceed with any part of the application shall not of itself preclude the America's Cup Planning Authority or the Environment Court from granting or agreeing to any consent, change, or variation to which the remainder of the application relates.

The words Environment Court in subsections (4)(b) and (5)(c) were substituted, as from 2 September 1996, for the words “Planning Tribunal” pursuant to section 6(2)(a) of the Resource Management Amendment Act 1996 (1996 No 160).

This Act is administered by the Ministry for the Environment.
