

House of Representatives

Supplementary Order Paper

Thursday, 29 May 2014

Local Government Act 2002 Amendment Bill (No 3)

Proposed amendments

Hon Peseta Sam Lotu-Iiga, in Committee, to move the following amendments:

Clause 2

Delete *clause 2(1)* (page 8, lines 6 to 9).

Clause 4

In *clause 4(1)*, after the definition of **rating unit** (page 9, after line 32), insert:
resource consent has the meaning set out in section 197(2)

After *clause 4(5)* (page 10, after line 14), insert:

- (5A) In section 5(1), definition of **strategic asset**, paragraph (a), replace “section 90(2)” with “**section 76AA(3)**”.

Clause 15: new section 48M

In *clause 15, new section 48M(6)*, replace “sections 84(4) and 94” (page 25, lines 33 and 34) with “sections **93D(4)** and 94”.

Clause 15: new section 48R

In *clause 15, new section 48R(4)*, replace “boards or boards” (page 31, line 13) with “board or boards”.

Clause 23: new section 83

In *clause 23, new section 83(1)(a)(ii)*, replace “**section 83A**” (page 35, line 6) with “**section 83AA**”.

In *clause 23, new section 83(1)(c)*, replace “**paragraph (a)**” (page 35, line 19) with “**paragraph (a)(ii)**”.

Clause 32: new section 95A

In *clause 32, new section 95A(1)*, replace “**section 95(2)**” (page 44, lines 3 and 4) with “**section 82A(2A)**”.

In *clause 32, new section 95A(3)(d)*, replace “long-term plan for the relevant years” (page 45, lines 30 and 31) with “annual plan for the relevant year”.

Clause 36

In *clause 36(1AB)* (page 49, after line 15), insert:

(1AC) In section 106(2)(e), replace “sections 201 and 202” with “sections 201 to **202A**”.

Clause 45: new section 150B

In *clause 45, new section 150B(4)*, replace “**sections 150B to 150F**” (page 53, line 26) with “**this section and sections 150C to 150F**”.

Clause 48: new section 197AB

In *clause 48, new section 197AB(d)(i)*, replace “groups” (page 57, line 28) with “group”.

In *clause 48, new section 197AB(g)(ii)*, replace “practicable” (page 58, line 11) with “practical”.

Clause 49

In *clause 49(3)*, after the definition of **objector** (page 59, after line 7), insert:

“**resource consent** has the meaning given to it in section 2(1) of the Resource Management Act 1991 and includes a change to a condition of a resource consent under section 127 of that Act”.

Clause 50

In *clause 50(2), new section 198(2A)*, replace “made” (page 59, line 22) with “submitted, accompanied by all required information”.

In *clause 50(2)*, replace “After section 198(3)” (page 59, line 23) with “After section 198(4)”.

Delete *clause 50(3)* (page 59, lines 31 to 34).

Clause 53: new section 199A

In *clause 53, new section 199A(3)*, replace “is proposing to require” (page 61, lines 12 and 13) with “requires”.

Clause 53: new section 199C

In *clause 53, new section 199C(1)*, replace “proposes to require” (page 61, line 29) with “has required”.

Clause 53: new section 199E

In *clause 53, new section 199E*, replace “**section 199D**” (page 62, lines 30 and 31) with “**section 199C**”.

Clause 53: new section 199J

In *clause 53, new section 199J(3)*, replace “**sections 199B to 199K**” (page 66, line 14) with “this section”.

In *clause 54(2)*, new *section 200(3)(a)(v)*, after “sales” (page 68, line 26), insert “; or”.

Clause 57: new section 202A

In *clause 57*, replace *new section 202A(1)* (page 71, lines 3 to 7) with:

- “(1) If a territorial authority has determined to seek funding for community facilities under this subpart, the policy required by section 102 must, in addition to the matters set out in sections 106 and 201 to 202, and subject to any regulations made under **section 259(1)(e) or (f)**, set out the process for requesting reconsideration of a requirement under **section 199A**.”

Clause 60: new section 207E

In *clause 60*, new *section 207E(1)(ab)*, after “provided” (page 74, line 24), insert “for”.

Clause 61

In *clause 61*, new *section 208(ba)*, replace “**section 198(1)(ba) or (4A)**” (page 75, line 16) with “**section 198(4A)**”.

New clause 73A

After *clause 73*, (page 77, after line 7), insert:

73A Consequential amendments to principal Act

Amend the principal Act as set out in **Schedule 7A** of this Act.

Schedule 1: new Schedule 1AA

In *Schedule 1*, new *Schedule 1AA*, *clause 5B(3)(b)(i)*, replace “cost of capital expenditure” (page 82, line 13) with “total cost of capital expenditure”.

In *Schedule 1*, new *Schedule 1AA*, *clause 6(1)*, replace “the principal Act” (page 83, lines 1 and 2) with “this Act”.

In *Schedule 1*, new *Schedule 1AA*, *clause 6(3)*, replace “the principal Act” (page 83, line 8) with “this Act”.

In *Schedule 1*, new *Schedule 1AA*, *clause 6(4)*, replace “this section” (page 83, line 10) with “this clause”.

In *Schedule 1*, new *Schedule 1AA*, *clause 6(5)*, replace “this section” (page 83, line 13) with “this clause”.

In *Schedule 1*, new *Schedule 1AA*, *clause 6(5)(b)*, replace “the principal Act” (page 83, line 16) with “this Act”.

In *Schedule 1*, new *Schedule 1AA*, after *clause 6* (page 83, after line 18), insert:

6A Transitional provision relating to additions to development contributions policy

- (1) Until the date that is 1 month after the date on which **sections 55 and 57** of the Local Government Act 2002 Amendment Act (**No 3**) **2013** come into force, a development contributions policy that was in force immediately before the com-

mencement of this clause is not invalid solely because it is inconsistent with **section 201A or 202A**.

- (2) No later than the date referred to in **subclause (1)**, a territorial authority to which **section 201A** applies must amend its development contributions policy by including a schedule in accordance with that section.
- (3) No later than the date referred to in **subclause (1)**, a territorial authority must amend its development contributions policy to comply with **section 202A**.
- (4) A territorial authority may make the amendments to its development contributions policy required by **subclauses (2) and (3)** by resolution without consultation or further formality.
- (5) Nothing in **subclause (1)** limits **clause 5B(3)**.

In *Schedule 1, new Schedule 1AA*, replace *clause 7(1)* (page 83, lines 20 to 26) with:

- (1) The repeal of section 84 by **section 24** of the Local Government Act 2002 Amendment Act (**No 3**) **2013**, and the amendments to sections 93 and 94 and Schedule 10 made by **sections 28 and 30** and **the first 7 items in Schedule 5** of that Act, do not apply to a long-term plan for a period commencing before 1 July 2015, and nothing in this Act requires such a long-term plan to be amended to ensure it complies with those requirements.

In *Schedule 1, new Schedule 1AA*, replace *clause 8(1)* (page 84, lines 2 to 7) with:

- (1) The repeal of section 85 by **section 25** of the Local Government Act 2002 Amendment Act (**No 3**) **2013**, and the amendments to sections 95 and Schedule 10 made by **section 31** and **the 8th and 9th items in Schedule 5** of that Act, do not apply to an annual plan for a period commencing before 1 July 2016, and nothing in this Act requires such an annual plan to be amended to ensure it complies with those requirements.

In *Schedule 1, new Schedule 1AA, clause 8(2)*, replace “**Sections 95A and 95B**, as inserted by **section 32**” (page 84, line 8) with “**Sections 82A(2A), 95A, and 95B**, as inserted by **sections 22 and 32**”.

In *Schedule 1, new Schedule 1AA, clause 9*, replace “**the 8th to 11th items**” (page 84, lines 18 and 19) with “**the 10th to 13th items**”.

Schedule 2: new clause 15

In *Schedule 2, new clause 15(4)(d)*, replace “by the unitary authority” (page 88, line 12) with “by the governing body of the unitary authority”.

Schedule 4: clause 27

In *Schedule 4, new clause 27(5)*, replace “**clause 25(1)(a)**” (page 95, line 28) with “**clause 25A(1)(a)**”.

Schedule 7: new Schedule 13A

In *Schedule 7, new Schedule 13A, clause 1(1)*, replace “is proposing to require” (page 107, lines 15 and 16) with “requires”.

In *Schedule 7, new Schedule 13A, clause 1(3)(c)*, before “the relief” (page 107, line 25) insert “state”.

New Schedule 7A

After *Schedule 7* (after page 114), insert:

Schedule 7A

s 73A

Consequential amendments to principal Act

Section 87

In section 87(1)(a), replace “none of sections 84 to 86 apply” with “neither section 86 nor **93A** applies”.

Section 97

In section 97(2)(b), replace “statement of proposal prepared under section 84” with “consultation document in accordance with **section 93E**”.

Section 103

In section 103(4), replace “sections 84(4) and 94(1)” with “**sections 93D(4)** and 94”.

Section 259C

In section 259C(2), replace “section 84(4), 94(1), or 99(1)” with “section 94(1) or 99(1)”.

Schedule 9

In *Schedule 9*, after the item relating to section 19 (page 125, after line 10), insert:

In section 19(6A), replace “sections 84(4) and 94” with “**sections 93D(4)** and 94(1)”.

In *Schedule 9, new section 22(2)*, replace “**section 82A(2)**” (page 126, line 3) with “**section 82A(2A)**”.

Explanatory note

This Supplementary Order Paper amends the Local Government Act 2002 Amendment Bill (No 3).

The substantive amendments include—

- deleting *clause 2(1)* of the Bill, which is a commencement provision that states that *section 55* (which inserts *new section 201A* into the Local Government Act 2002 relating to the requirement to prepare a schedule of

assets for which development contributions will be used) will come into force 1 month after the date on which the Act receives Royal assent. Instead of postponing the date of commencement of that clause, this SOP inserts a new transitional provision (*new clause 6A into new Schedule 1AA*):

- inserting *new clause 6A into new Schedule 1AA* which provides that, until 1 month after the date that the Bill receives the Royal assent, no pre-existing development contributions policy is invalid because it does not comply with *new section 201A or 202A*, but that by that date the development contributions policy must be amended to comply with those new sections. *New clause 6A(5)* states that nothing in this provision limits *clause 5B(3)*. This is because, in accordance with *clause 5B*, it is a precondition to continuing to collect development contributions for certain pre-existing community infrastructure projects that the territorial authority have a schedule of assets as contemplated by *new section 201A*.

This Supplementary Order Paper also includes a number of minor and technical changes (to correct cross-references and make additional consequential amendments) and other changes to improve the drafting.
