

HOUSE OF REPRESENTATIVES

# Supplementary Order Paper

Tuesday, the 13th Day of December 1977

TOWN AND COUNTRY PLANNING BILL

*Proposed Amendments*

Hon. Mr W. L. YOUNG, in Committee, to move the following amendments:

*Clause 2:* To insert in the definition of the term "change", before the word "departure", the word "specified".

To omit from the definition of the term "Council" the word "the" at the end of line 27, and substitute the word "any".

To omit from the said definition the word "district" in line 29.

To omit from the definition of the term "variation" the words "review or change" in line 14, and substitute the words "change or review".

To omit from the said definition the words "section 55" in line 16, and substitute the words "section 51 or section 57".

*Clause 3 (1) (f):* To insert, after the word "areas" in line 27 on page 10, the words "into rural areas".

*Clause 4 (3):* To insert, after the word "schemes," in line 10 on page 11, the words "and in the administration of Part II of this Act,".

*Clause 6 (2) (a):* To omit the proviso.

*Clause 6 (2) (d):* To omit the proviso, and substitute the following proviso:

Provided that if there is more than 1 local authority of a similar nature in the region the united or regional council, after consultation with the Minister, may require those local authorities to appoint 1 person to represent all of them:

*Clause 7 (1):* To omit the word "appoint", and substitute the word "establish".

*Clause 10 (b) (ii):* To insert, before the word "departure", the word "specified".

*Clause 13 (2):* To omit the word "approving" in line 13 on page 34, and substitute the word "accepting".

*Clause 15 (1):* To omit the word "and" in line 12 on page 35, and substitute the word "or".

*Clause 23:* To insert, after subclause (1), the following subclause:

(1A) In respect of the regional district constituted under the Auckland Regional Authority Act 1963 the Regional Planning Authority shall continue to be the Auckland Regional Authority.

*Clause 23 (2):* To omit the word "Every" in line 21, and substitute the words "Notwithstanding section 38 (5) of the Auckland Regional Authority Act 1963, every".

To add the following proviso:

Provided that while a committee appointed by the Auckland Regional Authority under section 17 of the Auckland Regional Authority Act 1963 to which has been delegated the functions of regional planning continues in existence, that committee shall include such associate members.

*Clause 26A (1):* To insert, before the word "subcommittee" in the 3 places where it occurs, the words "committee or".

To insert, before the word "appointed" in line 33, the words "established or".

To insert, after the word "Authority" in line 33, the words "or committee".

*Clause 26A (2):* To insert, before the word "subcommittee" in line 41, the words "committee or".

*Clause 28:* To omit subclauses (3) and (4), and substitute the following subclauses:

(3) A refusal to grant consent or a prohibition under this section shall not have any effect after the district scheme has become operative for the area to which the refusal or prohibition relates.

(4) Subject to subsection (3) of this section, the Council may from time to time by public notice extend, for such period and on such conditions as it thinks fit, the period of effectiveness of all or any of the refusals and prohibitions under this section.

*Clause 60 (2):* To insert, after the words "local authority" in line 8 on page 72, the words "or other body (other than the Crown)".

To insert, after the words "local authority" in line 15, the words "or other body".

*Clause 60 (3):* To insert, after the words "local authority" in line 21, the words "or other body".

*Clause 86 (1):* To omit the words "Subject to" in line 33 on page 95, and substitute the words "Except as otherwise provided by".

*Clause 91A (2) (a):* To omit the proviso.

*Clause 104 (1) (a):* To omit the word "on" in line 19, and substitute the word "in".

*Clause 120 (1):* To omit from paragraph (b) the words "One person", and substitute the words "Two persons".

To omit paragraph (c), and substitute the following paragraph:

(c) One other person.

*Clause 164:* To insert, after subclause (6), the following subclause:

(6A) Nothing in this Act shall affect the rights of any party to any proceedings commenced in any Court on or before the commencement of this Act.

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#### EXPLANATORY NOTE

*Clause 2:* All of the proposed amendments are drafting amendments.

*Clause 3 (1) (f):* The amendment is to make it clear that the expansion of urban areas referred to is expansion into rural areas.

*Clause 4 (3):* The amendment provides that in the administration of Part II of the Act, regard shall be had to the principles and objectives of water and soil conservation.

Similar amendments have already been made to *clause 3 (1)* and *clause 4 (1)*.

*Clause 6 (2) (a):* The proviso is omitted to avoid confusion. It is for the united or regional council to decide whether or not it wishes to appoint sufficient of its members to constitute a majority.

*Clause 6 (2) (d):* The new proviso empowers the united or regional council, after consultation with the Minister, to require the local authorities to appoint 1 person to represent all of them.

*Clause 7 (1):* This is a drafting amendment.

*Clause 10 (b) (ii):* This is a drafting amendment.

*Clause 13 (2):* This is a drafting amendment.

*Clause 15 (1):* This is a drafting amendment.

*Clause 23:* The proposed new clause (1A) makes it clear that the Auckland Regional Authority is to continue as a Regional Planning Authority.

*Clause 23 (2):* The proposed amendments provide for the associate members to be associate members of the Auckland Regional Authority's regional planning committee and not of the Authority itself.

*Clause 26A (1) and clause 26A (2):* The amendments provide for members of committees to receive a refund of expenses.

*Clause 28:* Subclauses (3) and (4) are rewritten to provide for subsection (3) to prevail over subsection (4).

*Clause 60 (2) and clause 60 (3):* The words "or other body" are reinstated so that other bodies such as gas companies are covered by subclause (2). Subclause (2) will still not apply, however, to the Crown.

*Clause 86 (1):* This is a drafting amendment.

*Clause 91A (2) (a):* The proviso is omitted to avoid confusion. It is for the Maritime Planning Authority to decide whether or not it wishes to appoint sufficient of its members to constitute a majority.

*Clause 104 (1) (a):* This corrects a printing error.

*Clause 120 (1):* The amendment provides for 2 members of the Tribunal, instead of 1 member, to be appointed after consultation with the executive committees of the Municipal Association and the Counties Association.

*Clause 164:* The amendment provides that nothing in the Act is to affect the rights of any party to any proceedings commenced in any Court on or before the commencement of the Act.

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