

Reprint
as at 30 July 2015



**Local Government Elected Members (2013/15) (Auckland
Local Boards—ATA Panel Hearings) Determination 2014**
(LI 2014/185)

Local Government Elected Members (2013/15) (Auckland Local Boards—ATA Panel Hearings) Determination 2014: revoked (with effect on 1 July 2015 and after expiring on that date), on 30 July 2015, by clause 17(b) of the Local Government Elected Members (2015/16) (Auckland Council and Local Boards) Determination 2015 (LI 2015/184).

Pursuant to clause 6 of Schedule 7 of the Local Government Act 2002 and the Remuneration Authority Act 1977, the Remuneration Authority makes the following determination (to which is appended an explanatory memorandum).

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Determination

1 Title

This determination is the Local Government Elected Members (2013/15) (Auckland Local Boards—ATA Panel Hearings) Determination 2014.

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

2 Commencement

This determination is deemed to have come into force on 16 September 2013.

3 Expiry

This determination expires on the close of 30 June 2015.

4 Interpretation

In this determination, unless the context otherwise requires,—

ATA panel means a panel appointed by the Auckland Council under section 89 of HASHA

ATA resource consent hearing has the meaning given by clause 5

ATA resource consent hearing fee means a fee payable in accordance with clause 8 for attending an ATA resource consent hearing

Auckland Council or **Council** means the Auckland Council established by section 6 of the Local Government (Auckland Council) Act 2009

HASHA means the Housing Accords and Special Housing Areas Act 2013

hearing time has the meaning given by clause 6

local board means a local board established under section 10 of the Local Government (Auckland Council) Act 2009

member, in relation to a local board, means—

- (a) a person who has been declared to be elected as a member of the local board under the Local Electoral Act 2001; and
- (b) a person who, as the result of further election or appointment under that Act, the Local Government Act 2002, or the Local Government (Auckland Council) Act 2009, is an office holder in relation to the board (for example, as chairperson of the board).

5 Meaning of ATA resource consent hearing

(1) In this determination, **ATA resource consent hearing** means a hearing that—

- (a) is held by an ATA panel; and
- (b) arises from—
 - (i) an application for a resource consent under subpart 2 of Part 2 of HASHA;
 - (ii) a request for a plan change or for a variation to a proposed plan under subpart 3 of Part 2 of HASHA.

(2) In this determination, **ATA resource consent hearing** does not include—

- (a) a hearing of submissions as part of the process of the preparation of a district or regional plan; or

- (b) a hearing relating to a change or variation in a district or regional plan requested by the Council or a local board; or
- (c) any other hearing not specified in subclause (1).

6 Meaning of hearing time

- (1) In this determination, **hearing time**—
 - (a) means the time spent by a member hearing a matter referred to in clause 5(1); and
 - (b) includes the time spent by a member—
 - (i) at any formal ATA panel deliberations in relation to an ATA resource consent hearing; and
 - (ii) at a formal site inspection as part of a group inspection; and
 - (iii) in determining a notified ATA resource consent application where a formal hearing does not take place.
- (2) In this determination, **hearing time**—
 - (a) also includes the time spent by a member—
 - (i) preparing for an ATA resource consent hearing; or
 - (ii) inspecting a site, not being a formal site inspection under subclause (1)(b)(ii); but
 - (b) does not include the time referred to in paragraph (a) to the extent that it exceeds the time spent by the member on the formal deliberations referred to in subclause (1)(b)(i).

7 Members of local boards to be paid hearing fees for ATA resource consent hearings

- (1) ATA resource consent hearing fees are payable to members of local boards in accordance with clause 8.
- (2) Despite subclause (1), the chairperson of a local board is not entitled to be paid an ATA resource consent hearing fee.

8 Fees for attending ATA resource consent hearing

- (1) A member of a local board who acts as the chairperson of an ATA resource consent hearing is entitled to be paid a fee of \$100 per hour of hearing time.
- (2) A member of a local board who is not the chairperson of an ATA resource consent hearing is entitled to be paid a fee of \$80 per hour of hearing time.
- (3) For any period of hearing time that is less than 1 hour, the fee must be apportioned accordingly.
- (4) Despite subclauses (1) and (2), ATA resource consent hearing fees are not payable to the chairperson of a local board.

Dated at Wellington this 21st day of May 2014.

John Errington,
Chairman.

A Foulkes,
Member.

D Morcom,
Member.

Explanatory memorandum

This memorandum is not part of the determination, but is intended to indicate its general effect.

This determination is deemed to have come into force on 16 September 2013 and expires on the close of 30 June 2015. It provides for the payment of meeting fees to elected members of local boards of the Auckland Council who are appointed to an ATA panel under the Housing Accords and Special Housing Areas Act 2013. The fees are for hearing, under that Act, applications for resource consents and requests for plan changes or for variations to proposed plans. The fees are set at the same levels and subject to the same conditions as apply in relation to fees for consent hearings under the Resource Management Act 1991.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 29 May 2014.

Reprints notes

1 *General*

This is a reprint of the Local Government Elected Members (2013/15) (Auckland Local Boards—ATA Panel Hearings) Determination 2014 that incorporates all the amendments to that determination as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Local Government Elected Members (2015/16) (Auckland Council and Local Boards) Determination 2015 (LI 2015/184): clause 17(b)

Local Government Elected Members (2013/15) (Auckland Local Boards—ATA Panel Hearings) Determination 2014 (LI 2014/185): clause 3