

# House of Representatives

# Supplementary Order Paper

Tuesday, 21 July 2020

## Urban Development Bill

### *Proposed amendments*

Hon Phil Twyford, in Committee, to move the following amendments:

*New clause 2(2)(aaa)*

Before *clause 2(2)(a)* (page 15, before line 6), insert:

- (aaa) **section 293A** comes into force on the day after the date on which this Act receives the Royal assent or 30 September 2020, whichever is later; and

*Clause 9*

In *clause 9*, definition of **former Māori land**, *paragraph (b)(ii)*, replace “general” (page 20, line 37) with “General”.

In *clause 9*, definition of **general land owned by Māori**, replace “**general**” (page 21, line 8) with “**General**”.

In *clause 9*, definition of **protected customary rights**, replace “**rights and**” (page 26, line 22) with “**right and**”.

*Clause 18A(3)*

In *clause 18A(3)*, replace “protected customary right area” (page 32, line 16) with “protected customary rights area”.

*Clause 20*

In *clause 20(4)(b)*, replace “general” (page 34, line 1) with “General”.

In *clause 20(5)*, definition of **Crown body**, *paragraph (e)*, delete “(as defined in section 5 of the Companies Act 1993)” (page 34, line 31).

In *clause 20(5)*, after the definition of **Māori customary land** (page 35, after line 2), insert:

**related company** has the same meaning as in section 2(3) of the Companies Act 1993

**subsidiary** has the same meaning as in section 5(1) of the Companies Act 1993.

*Clause 35(6)(a)*

In *clause 35(6)(a)*, after “Māori” (page 44, line 8), insert “entities”.

*Clause 41(2)(d)*

Replace *clause 41(2)(d)* (page 47, lines 18 to 20) with:

- (d) if the recommended project area contains any specified conservation-related area, confirmation that the Minister of Conservation has approved—
  - (i) the specified conservation-related area being included within the recommended project area; and
  - (ii) the recommended project objectives, to the extent that they relate to or affect the specified conservation-related area; and

*Clause 50(1)*

In *clause 50(1)*, replace “**subsection**” (page 51, line 6) with “**section**”.

*Clause 54(4)*

In *clause 54(4)*, replace “the project area” (page 53, line 2) with “a project area” in each place.

*Clause 55*

In *clause 55(4)*, replace “under this section” (page 53, line 35) with “under **subsection (3)**”.

After *clause 55(4)* (page 53, after line 35), insert:

- (4A) Despite **subsections (2) and (3)**,—
  - (a) Kāinga Ora may recommend a technical or minor amendment without following the process referred to in **subsection (2)**; and
  - (b) the joint Ministers may accept the recommendation, but only if they are satisfied that the recommendation is of that nature.

*Clause 63(2)*

In *clause 63(2)*, after “section” (page 58, line 12), insert “of the development plan”.

*Clause 68(2)*

In *clause 68(2)(b)*, replace “identifying” (page 62, line 19) with “of”.

In *clause 68(2)(c)*, delete “giving” (page 62, line 22).

*Clause 69(2)*

Replace *clause 69(2)* (page 65, lines 19 to 24) with:

- (2) Kāinga Ora must also take into account the matters set out in section 101(3)(a) and (b) of the Local Government Act 2002 if it is considering using any of the funding sources provided for in **Part 4**.

*Clause 72(2)(g)*

In *clause 72(2)(g)*, after “project area,” (page 72, line 13), insert “provide”.

In *clause 72(2)(g)(iv)*, after “relevant project area” (page 67, line 22), insert “(see **section 92**)”.

*Clause 78(1)(c)(iii)*

In *clause 78(1)(c)(iii)*, replace “**subsection (1)(b)**” (page 72, line 30) with “**paragraph (b)**”.

*Clause 80(2)(c)*

In *clause 80(2)(c)*, replace “by” (page 73, line 30) with “provided to”.

*Clause 81(1)(d)*

In *clause 81(1)(d)*, after “**section 69(1)**” (page 74, line 8), insert “**and (1A)**”.

*Clause 82(7)(b)*

Replace *clause 82(7)(b)* (page 75, lines 20 and 21) with:

- (b) submit the changes agreed in the course of that consultation to the Minister of Conservation for the Minister’s approval.

*Clause 84*

Replace *clause 84(3)* (page 76, lines 11 to 17) with:

- (3) If the responsible Minister refers some or all of the recommendations of the IHP back to the IHP, the Minister may, by written notice,—
  - (a) identify the recommendations being referred back to the IHP for further consideration, with details of what must be reconsidered and why; or
  - (b) refer the recommendations back to the IHP with or without any recommended changes.

In *clause 84(5)*, replace “If an IHP receives a notice under **subsection (3)(a)**” (page 76, line 20) with “If the responsible Minister refers a recommendation back to the IHP under **subsection (3)**”.

**Proposed amendments to  
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*Clause 86(5)(a)*

In *clause 86(5)(a)*, after “operative, which” (page 77, line 16), insert “(subject to any appeals under **section 88**)”.

*Clause 89*

In *clause 89*, replace “From the date” (page 78, line 21) with “On and from the date”.

In *clause 89(b)*, replace “**section 68(5)**” (page 78, line 29) with “**section 90(2)**”.

*Clause 96(1)(b)*

In *clause 96(1)(b)*, after “**and 73**” (page 82, line 2), insert “(which apply with the necessary modifications)”.

*Clause 100(3)*

In *clause 100(3)*, replace “remains” (page 83, line 31) with “is”.

*Clause 116A(1)*

In *clause 116A(1)*, after “consents” (page 92, line 10), insert “within a project area”.

*Clause 119(2)*

In *clause 119(2)(a)*, after “**Part 1**” (page 93, line 30), insert “of this Act”.

Delete *clause 119(2)(c)* (page 93, lines 33 and 34).

*Cross-heading above clause 126*

In the cross-heading above *clause 126* (page 97, line 4), delete “*non-notified*”.

*Clause 128(1)*

In *clause 128(1)*, replace “this Part” (page 98, line 4) with “this subpart”.

*Clause 137(3)(b)*

In *clause 137(3)(b)*, after “development” (page 102, line 15), insert “project”.

*Clause 140(4)(a)*

In *clause 140(4)(a)*, replace “requirements of **section 76**” (page 105, line 8) with “preconditions in **section 75**”.

*Clause 149(5)*

In *clause 149(5)*, replace “**section 235**” (page 112, line 35) with “**subpart 4 of Part 4**”.

*Clause 157(2)*

In *clause 157(2)*, replace “was” (page 115, line 26) with “were”.

*Clause 160(2)*

In *clause 160(2)*, replace “set out in the notice” (page 117, line 15) with “that were deposited for public inspection”.

*Clause 161(3)(a)*

In *clause 161(3)(a)*, replace “in it” (page 117, line 30) with “that were deposited for public inspection”.

*Clause 162(3)*

In *clause 162(3)*, replace “in accordance with” (page 118, lines 11 and 12) with “subject to”.

*Clause 172(3)*

In *clause 172(3)*, delete “**(3)**” (page 121, line 24).

*Clause 184A(3)*

In *clause 184A(3)*, replace “apply” (page 126, line 10) with “continue to apply to the bylaw-making authority”.

*New clause 193(2AA)*

After *clause 193(2)* (page 130, after line 31), insert:

(2AA) However, **subsection (2)(b)** does not apply if the rate is set under a targeted rates order that is made in reliance on **section 192**.

*Clause 205(2)*

In *clause 205(2)*, replace “the rates invoice is also for local government rates” (page 138, lines 24 to 25) with “the authority is also delivering an invoice for local government rates for the same period”.

*Clause 228(1)(b)*

In *clause 228(1)(b)*, replace “Part 12 of the Education Act 1989” (page 148, lines 32 and 33) with “**subpart 6 of Part 3 of the Education and Training Act 2019**”.

In *clause 228(1)(b)(i)*, delete “or section 70B of the Education Act 1989” (page 148, line 35).

*Clause 242(1)*

In *clause 242(1)(e)*, replace “**(iv)**” (page 157, lines 11 and 14) with “**(iii)**” in each place.

Replace *clause 242(1)(j)* (page 157, line 39 to page 158, line 3) with:

(j) any kind of charge that—

- (i) is authorised by regulations made for the purposes of section 36 of the Resource Management Act 1991 (*see* section 36(1)(g) of that Act); and
- (ii) relates to functions, powers, or duties of a local authority that correspond with those of Kāinga Ora under **subpart 2 of Part 3** of this Act.

*Clause 250(5)*

In *clause 250(5)*, after “purchase” (page 163, line 4), insert “, take,”.

*Clause 272*

In *clause 272(2)(b)*, replace “section 41(e)” (page 175, line 11) with “**section 41(1)(e)**”.

In *clause 272(3)(b)*, replace “section 41(a)” (page 175, line 17) with “**section 41(1)(a)**”.

*Clause 284(7)*

In *clause 284(7)*, definition of **governing officer**, replace “or Kāinga Ora” (page 180, line 26) with “of Kāinga Ora”.

*New subpart 4 heading*

After *clause 293* (page 183, after line 9), insert:

#### Subpart 4—Amendments

*New clause 293A*

Before *clause 294* (page 183, before line 10), insert:

**293A Section 123 of this Act amended**

- (1) This section amends this Act.
- (2) In **section 123**, replace “91C” with “91F”.

*Schedule 2*

In the *Schedule 2 heading* (page 185), replace “**s 57**” with “**ss 9, 50(2A), 57, 168**”.

In *Schedule 2, clause 2*, replace the definition of **transferee** (page 186, lines 15 to 20) with:

**transferee** means the person named in the transfer order or disestablishment order who is to receive any asset of Kāinga Ora, including—

- (a) 1 or more relevant local authorities;
- (b) 1 or more government agencies;
- (c) a network utility operator;

- (d) any person who agrees to the transfer in accordance with **clause 3**.

In *Schedule 2*, replace *clause 4(1)(b)* (page 187, line 3) with:

- (b) a recommendation is made under **subclause (3)** that a transfer order is necessary or desirable to effect a transfer.

In *Schedule 2*, *clause 4(2)*, replace “responsible Minister” (page 187, line 5) with “joint Ministers”.

In *Schedule 2*, *clause 4(3)*, replace “responsible Minister” (page 187, line 7) with “joint Ministers”.

In *Schedule 2*, *clause 4(3)*, after “making of an order” (page 187, line 7), insert “, where applicable,”.

In *Schedule 2*, *clause 4(3)*, replace “that Minister” (page 186, lines 8 and 9) with “those Ministers” in each place.

In *Schedule 2*, *clause 6(3)(b)*, replace “responsible Minister’s” (page 188, lines 3 and 4), with “joint Ministers”.

In *Schedule 2*, *clause 6(4)(f)(i)*, after “former owners” (page 188, line 18), insert “in relation to former Māori land”.

In *Schedule 2*, *clause 6(4)(i)*, replace “Minister requests” (page 188, lines 25 to 26) with “joint Ministers request”.

In *Schedule 2*, *clause 6(5)*, replace “responsible Minister” (page 188, line 27) with “joint Ministers”.

In *Schedule 2*, *clause 7(1)*, replace “responsible Minister accepts” (page 188, line 30) with “joint Ministers accept”.

In *Schedule 2*, *clause 7(1)*, replace “that Minister” (page 188, line 30) with “those Ministers”.

In *Schedule 2*, *clause 7(2)*, replace “responsible Minister” (page 188, line 34) with “joint Ministers”.

### *Schedule 3*

In the *Schedule 3 heading* (page 191), replace “**s 79(2)**” with “**ss 79(2), 82(5)(c)**”.

In *Schedule 3*, *clause 8(4)(c)*, replace “subpart” (page 195, line 28) with “schedule”.

In *Schedule 3*, *clauses 18(4) and 19(1)*, replace “A IHP” (page 199, lines 30 and 34) with “An IHP”.

In *Schedule 3*, *clause 19(3)*, replace “**clause 17(1)(c)**” (page 200, line 2) with “**clause 17(1)(b)**”.

### *Schedule 4*

In *Schedule 4*, item relating to Kāinga Ora–Homes and Communities Act 2019, section 5(1), new definition of **public housing**, paragraph (b), replace “is located” (page 204, line 20) with “are located”.

In *Schedule 4*, item relating to Local Government (Rating) Act 2002, item relating to *new section 20A*, replace “After section 20,” (page 206, line 9) with “After section 19,”.

In *Schedule 4*, item relating to Local Government (Rating) Act 2002, heading to *new section 20A*, replace “**20A**” (page 206, line 10) with “**19A**”.

### Explanatory note

This Supplementary Order Paper makes technical and minor amendments to the Urban Development Bill. Most of the amendments are to correct typographical errors, to correct or update cross-references, or to improve clarity. The more material amendments are as follows:

- *clause 55* is amended to enable Kāinga Ora to recommend technical or minor amendments to the key features of a specified development project without needing to follow the process for establishing a specified development project (which must be followed in the case of other amendments):
- *clause 69(2)* is amended so that Kāinga Ora must take into account the matters set out in section 101(3)(a) and (b) of the Local Government Act 2002 when considering the use of any funding source under *Part 4* (currently, *clause 69(2)* does not apply in relation to the use of infrastructure and service charges):
- *new clause 193(2AA)* is inserted to clarify that a targeted rate does not need to be consistent with the relevant development plan and annual budget if it has been authorised under *clause 192* on the basis that it is required to meet urgent and unforeseen circumstances:
- *Schedule 2* relates to the disestablishment of specified development projects. A number of provisions in this schedule are amended to clarify that the joint Ministers responsible for establishing a specified development project are the decision makers in relation to a disestablishment proposal.

### Departmental disclosure statement

The Ministry of Housing and Urban Development considers that a departmental disclosure statement is not required to be prepared for this Supplementary Order Paper.