

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Tuesday, 30 June 1981

LOCAL GOVERNMENT AMENDMENT BILL (NO. 2)

Proposed Amendments

HON. MR HIGHET, in Committee, to move the following amendments:

Clause 4A: Proposed section 270A: To omit the proposed subsection (2) from lines 1 to 10 on page 5, and substitute the following subsections:

“(2) Subject to subsection (3) of this section, where, before the 1st day of January 1981,—

“(a) A development or part of a development had not been completed; and

“(b) A decision had been made that no reserves contribution need be made or requiring a reserve contribution to be made—

this Part of this Act shall apply in respect of that development or part of a development as if the Local Government Amendment Act (No. 2) 1980 had not been passed.

“(3) Where, before the 1st day of January 1981,—

“(a) A development or part of a development had not been completed; and

“(b) The development or part of a development includes or is intended to include fixed plant or machinery—
this Part of this Act (as amended by the Local Government Amendment Act (No. 2) 1980 and any subsequent amendment) shall apply in respect of that fixed plant or machinery.

Clause 10: Proposed section 294A: To omit subsection (5) from lines 25 to 33 on page 10.

Proposed section 294C: To omit the proposed subsections (3) to (6) from lines 5 to 38 on page 12 and lines 1 to 20 on page 13.

Proposed section 294D: To add, at the foot of page 13, the following subsections:

“(3) Where any development plan of a development solely or principally for residential purposes has been varied and the variation will result in closer development of an allotment or allotments in respect of which under this Part of this Act or any previous enactment a previous reserves contribution has been paid or land has been set aside or work has been done, within the immediately preceding 5 years, the reserves contribution or the development levy to be paid or the land to be

set aside as a result of the variation shall be reduced by any money so paid and the value of the land so set aside or work so done.

“(4) Where—

“(a) Any development plan of a development solely or principally for administrative, commercial, or industrial purposes, or any 2 or more such purposes is varied; and

“(b) The variation will result, in the opinion of the council or the united council or regional council, as the case may be, in an increase in the assessed value of the development or a change in the nature of the development; and

“(c) Within the 5 years immediately preceding the variation—

“(i) A previous reserves contribution has been paid; or

“(ii) A previous development levy has been paid; or

“(iii) Any land has been set aside; or

“(iv) Any work has been done—

in respect of the development under section 294 or section 294A of this Act,—

the reserves contribution or the development levy to be paid or the land to be set aside as a result of the variation shall be reduced by any money paid and the value of any land set aside or work done in accordance with any of the provisions of subparagraphs (i) to (iv) of paragraph (c) of this subsection.

“(5) Nothing in subsection (3) or subsection (4) of this section shall apply in respect of any reserves contribution or development levy paid, or any land set aside or work done in respect of—

“(a) Any subdivision; or

“(b) Any development other than the development to which this section is being applied.

“(6) For the purposes of subsections (3) and (4) of this section, the value of any land set aside or of any work done shall be determined by the council or the united council or regional council, as the case may be.”

EXPLANATORY NOTE

THE amendment to the proposed *section 270A* sets out more clearly—

- (a) The situations in which Part XX of the principal Act is to apply as if this Bill had not been passed; and
- (b) The developments to which this Bill is to apply.

The only substantive change to the Bill as reported back from the Local Bills Committee is in the proposed *subsection (2) (b)* which provides that, in determining the application of Part XX of the Act to a development, a situation where a decision not to require a reserves contribution to be made is to be treated in the same way as any situation where a reserves contribution has been required. The distinction is between those situations where a decision has been made and those where no decision has been made.

The amendment to the proposed *section 294A* prevents a reduction of the reserves contribution or development levy by the amount of any previous reserves contribution.

The omission of *subsections (3) to (6)* of the proposed *section 294c* is consequent upon the addition of 3 subsections to the proposed *section 294d*. There are 2 changes—

- (i) *Subsection (3)* of the proposed *section 294c* has not been carried over to *section 294d* as the matters with which it deals are dealt with also in *section 294d (2)*; and
 - (ii) *Subsection (5)* is new and provides that the reduction for previous reserves contributions or development levy paid is only in respect of such contributions or levy relating to the same development, and not to any subdivision or any previous development.
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