

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

[House of Representatives, 15 September 1960]

Words struck out by the Local Bills Committee are shown in italics within bold round brackets or in roman enclosed in panel; words inserted are shown in roman underlined with a double rule, or with double rule down side.

Hon. Mr Anderton

AUCKLAND HARBOUR BOARD (LYNFIELD DEVELOPMENT) LOAN AND EMPOWERING

[LOCAL]

ANALYSIS

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A BILL INTITULED

An Act to empower the Auckland Harbour Board to develop certain lands situate in the Borough of Mount Roskill and to borrow the sum of four hundred thousand pounds for such development and other purposes

5 WHEREAS the land (*first set forth*) firstly, secondly, and thirdly described in the First Schedule to this Act became vested in the Auckland Harbour Board (hereinafter termed the Board) for an estate in fee simple under and by virtue
10 of the provisions of the Manukau Harbour Control Act 1911 as an endowment, and the land (*secondly set forth*) fourthly described in the First Schedule to this Act became vested in the Board for an estate in fee simple by purchase: And whereas
15 heretofore the said lands have been leased by the Board for agricultural purposes: And whereas it is now desirable that the

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said lands should be developed for urban purposes: And
whereas it is desirable that the Board shall be empowered to
carry out such development:

New

And whereas, under the provisions of the Auckland Harbour Board Loan and Empowering Act 1958, the Board was authorised to borrow the sum of four hundred thousand pounds for the purpose of floating plant cargo working heavy lift crane replacement, and that sum has proved insufficient and a further sum of one hundred thousand pounds is required for that purpose:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the Auckland Harbour Board (Lynfield Development) Loan and Empowering Act 1960.

2. Authority to develop—The Board is hereby empowered to subdivide the whole or any part or parts of the lands set forth in the First Schedule to this Act for the development thereof; and may from time to time construct thereon streets, service lanes, and access ways, and such other public works as may be deemed necessary for the use, convenience, and enjoyment thereof for residential or other purposes; and may provide and construct electricity, gas, water, and sewage services and all other amenities; and may carry out any work that may be necessary for the development of the land or in order to comply with any lawful requirement of any local authority. The Board may either carry out all or any of the above-mentioned works with its own plant and equipment or may enter into a contract or contracts in respect of all or any of the said works.

3. Authorised undertaking—The development of the whole or any part or parts of the said lands shall for the purposes of section 140 of the Harbours Act 1950 be an undertaking which the Board is authorised to carry out, and all the provisions of the Harbours Act 1950 with regard to any harbour works shall be applicable to any work which the Board is empowered to carry out under this Act.

4. **Authority to sell**—Notwithstanding anything contained in section 5 of the Manukau Harbour Control Act 1911, or in any other Act or rule of law, the Board may sell or give in exchange any portion of the said lands or any interest therein,
5 and may purchase or accept in exchange any land adjacent to the said lands or any interest therein, and may give, sell, or dedicate any portion of the said lands for any public purposes, and may make all necessary reserve contributions.

5. **Authority to lease**—(1) Except as provided in subsection
10 (2) of this section, the provisions of the Public Bodies' Leases Act 1908 and its amendments shall be applicable to the said lands; and the Board is hereby further empowered to lease groups of sites or individual sites; and in respect of a lease of a group of sites the Board may agree to accept the surrender
15 of such lease in respect of any particular site, being one of such group, and to grant a new lease for such particular site to a purchaser of the interest of the original lessee in such particular site for a term equal to the unexpired portion of the original lease. The rental reserved under such new lease shall
20 either be predetermined under the original lease or be determined by agreement between the Board and the original lessee.

New

25 (2) Section 8 of the Public Bodies' Leases Act 1908 shall not apply to any such lease if there is a covenant therein that the lessee will erect one or more houses, or one or more buildings approved by the Board, on the land not later than two years after the date of the commencement of the lease.

6. **Special Act**—This Act shall be deemed to be a special Act within the meaning of the Harbours Act 1950.

30 7. **Authority to borrow**—(1) It shall be lawful for the Board to borrow from time to time as it may require, in addition to the sums authorised by any previous Acts and subject to the provisions of the Harbours Act 1950 and the Local Authorities Loans Act 1956, such sum or sums not
35 exceeding in the whole the sum of four hundred thousand pounds.

(2) The money so borrowed shall be applied by the Board for the purposes specified in the Second Schedule to this Act.

Struck Out

40 8. **Amendment**—The enactment specified in the Third Schedule to this Act is hereby amended in the manner indicated in the said Schedule.

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SCHEDULES

FIRST SCHEDULE

Struck Out

FIRST: All that piece of land containing by admeasurement 334 acres, more or less, formerly situate in the Parish of Waitemata, County of Eden, and now situate in the Borough of Mount Roskill, and being part of Lots Nos. 22 and 23 of Section No. 13 of the Suburbs of Auckland.

Secondly: All that piece of land containing by admeasurement 1 rood 4·7 perches, more or less, being Lot 1 on deposited plan No. 38777, being part of Allotment 74 of the Parish of Titirangi, and being all the land comprised in certificate of title, Volume 1396, folio 44 (Auckland Registry).

New

FIRSTLY, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11, D.P. 20651, and Lots 1 and 2, D.P. 21639, and Lots 17, 18, 23, 24, 26, 29, 31, 32, and 33 and part of the reserve and part Lot 28, D.P. 8985, being parts Allotments 22 and 23, Section 13, Suburbs of Auckland, situated in Block VIII, Titirangi Survey District: Area, 157 acres 3 roods 13·1 perches, more or less. All certificate of title, Volume 686, folio 56, subject to a drainage easement in gross over part Lots 2, 3, 5, and 13, D.P. 45161, created by Transfer 617007.

Secondly, Lots 19, 20, 21, 22, 34, 35, 36, and 37, D.P. 8985, being parts Allotments 22 and 23, Section 13, Suburbs of Auckland, situated in Block VIII, Titirangi Survey District: Area, 72 acres 2 roods 17 perches, more or less. All certificate of title, Volume 397, folio 198.

Thirdly, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 and part reserve D.P. 8985 being parts Allotments 22 and 23, Section 13, Suburbs of Auckland, situated in Blocks IV and VIII, Titirangi Survey District: Area, 103 acres 1 rood 10·6 perches, more or less. All certificate of title, Volume 397, folio 197.

Fourthly, Lot 1, D.P. 38777, being part Allotment 74, Titirangi Parish, situated in Blocks IV and VIII, Titirangi Survey District: Area, 1 rood 0·7 perches, more or less. All certificate of title, Volume 1396, folio 44, subject to drainage easement over part created by Transfer 617007.

SECOND SCHEDULE

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THE subdivision and development of the lands set forth in the <u>First</u> Schedule to this Act and loan issuing expenses	300,000
Further expenditure—floating plant cargo working heavy lift crane replacement	100,000

Struck Out

THIRD SCHEDULE

ENACTMENT AMENDED

Title of Act	Number of Section Affected	Nature of Amendment
Auckland Harbour Board Loan and Empowering Act 1958	Schedule	By omitting the words "Floating plant cargo working heavy lift crane replacement £400,000", and substituting the words "Floating plant cargo working heavy lift crane replacement £500,000".