

Mr Douglas

AUCKLAND REGIONAL AUTHORITY (No. 2)

[LOCAL]

ANALYSIS

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A BILL INTITULED

An Act to provide for the establishment and powers of a
Regional Authority for the Auckland Regional area

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

1. **Short Title**—This Act may be cited as the Auckland
Regional Authority Act (No. 2) 1962.

2. **Interpretation**—In this Act, unless the context otherwise
10 requires,—

“Appeal Board” means the Town and Country Planning
Appeal Board set up under the Town and Country
Planning Act 1953:

15 “Authority” means the Auckland Regional Authority as
constituted by this Act:

“Contributing authority” means the local authority of any local district which is required for the time being to contribute under this Act towards the administrative expenses, loan charges, or operation and maintenance expenses of the Authority: 5

“District” or “regional district” means the Auckland Regional District as constituted by this Act:

“Limited traffic road” means a limited traffic road within the meaning of section 9 of the Public Works Amendment Act 1956: 10

“Local authority” means the Council of a city, borough, town district, or county, or the Board of a road district, and where necessary means the corporation of the district governed by any such local authority:

“Local district” means the district of a city, borough, county, town district, or road district: 15

“Minister” means the Minister of Internal Affairs:

“The 1953 Act” means the Town and Country Planning Act 1953:

“Road” includes street: 20

“Scheme” means the regional planning scheme for the Auckland Regional District.

3. Auckland Regional District—There is hereby constituted for the purposes of this Act a district to be called the Auckland Regional District comprising the whole of the following local districts: 25

(a) The City of Auckland:

(b) The Boroughs of Helensville, East Coast Bays, Birkenhead, Northcote, Takapuna, Devonport, Henderson, New Lynn, Glen Eden, Mount Albert, Mount Roskill, Mount Eden, Newmarket, One Tree Hill, Onehunga, Ellerslie, Howick, Mount Wellington, Otahuhu, Papatoetoe, Manurewa, Papakura, Pukekohe, Tuakau, and Waiuku: 30

(c) The Counties of Rodney, Waitemata, Manukau, and Franklin: 35

(d) The Town District of Warkworth:

(e) The Road District of Waiheke.

4. Constitution of Authority—(1) There shall be for the district a regional authority which shall be a body corporate under the name of the Auckland Regional Authority and shall have perpetual succession and a common seal, with power to purchase, take on lease, hold, deal with, and dispose 40

of by sale, lease, or exchange, real and personal property, and to do and suffer all that bodies corporate may lawfully do and suffer.

5 (2) The Authority shall be deemed to be a local authority under the Public Works Act 1928, the National Roads Act 1953, the Reserves and Domains Act 1953, and the Local Authorities Loans Act 1956; and, subject to the express provisions of this Act, the provisions of the said Acts shall extend and apply to the Authority.

10 **5. Membership**—As from the date of passing of this Act the Auckland Regional Planning Authority as constituted under the 1953 Act together with one member representing each public body operating any regional service or under-
15 taking within the district which signifies desire to make such appointment shall be and become the Auckland Regional Authority for the purposes of this Act.

6. Functions—The Authority shall, in addition to the functions of a Regional Planning Authority under the 1953 Act, have the following functions:

20 (a) To administer and carry out when the same or any part thereof has become operative the regional planning scheme for the Auckland Regional District:

25 (b) Whether before or after the scheme becomes an operative regional scheme, to do all such matters and things as are proper and necessary for the purposes and administration of the scheme and of the 1953 Act, subject to the provisions of this Act.

7. Contracts of Authority—The Authority may enter into any contract for any of the purposes of this Act.

30 **8. Powers of Authority**—(1) The Authority shall have all the powers vested in Regional Planning Authorities by the Town and Country Planning Act 1953 and its amendments, and in addition shall have the special powers conferred on it by this Act.

35 (2) The Authority shall have power to enforce compliance with the provisions of any approved regional scheme or section of a regional scheme which is operative within the Auckland Regional District and to restrain or prevent any act, matter, or thing which is or may be inconsistent with such
40 provisions or any of them and for such purposes shall have the same or similar powers (*mutatis mutandis*) as are vested

in a Council or local authority under the 1953 Act for the enforcement of and ensuring compliance with the terms of an operative district scheme and in respect of an approved regional scheme or section of a regional scheme shall also have the like powers as are vested in the Council of a local authority in respect of specified departures from the provisions of an operative district scheme or a proposed district scheme. 5

9. Regional roads—(1) The Authority may from time to time declare any road or part of a road (whether existing at the date of the commencement of this Act or thereafter constructed or intended or proposed to be constructed) within the district, not being a State highway, which in its opinion is of benefit to two or more local districts to be a regional road, and designate the local districts to which it is a benefit, and may at any time revoke such declaration or modify such designation. 10 15

(2) The Authority shall, in regard to all regional roads, have the following powers:

- (a) It may assume and undertake the control, maintenance, and improvement of any regional road, or arrange for any local authority to do any such work at the cost of the Authority: 20
- (b) It may pay subsidies or grants of money to any local authority having the control of the whole or portion of any regional road towards the cost of the maintenance or improvement thereof: 25
- (c) The Authority and any local authority concerned may enter into and carry out agreements for the apportionment between them and each other of the costs of any work mentioned in this section: 30
- (d) The Authority may, with the consent of the local authority of the area, widen, divert, or close any regional road or any part thereof for the time being controlled by it; and any local authority concerned shall, at the request and cost of the Authority, take the necessary steps to acquire any additional land required for such widening or diversion: 35
- (e) If the Authority is of the opinion that a new regional road should be constructed, it may, with the consent of the local authority of the area, undertake and carry out such work, and any local authority concerned shall, at the request and cost of the Authority, take the necessary steps to acquire any land required for such construction: 40 45

- (f) If the local authority refuses or withholds its consent under either subparagraph (d) or subparagraph (e) of this subsection the Authority may appeal against such refusal or withholding to the Appeal Board whose decision shall be final and binding on the Authority and the local authority; and any such appeal shall be instituted and conducted as though it were an appeal under the provisions of the 1953 Act:
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- 10 (g) Any moneys received from the disposal of any land forming part of a regional road which has been closed wholly or in part shall be paid into and form part of any fund established for the purchase of regional roads.
- 15 (3) The Authority shall have the same powers with respect of limited traffic roads as are hereby conferred with respect of regional roads.

10. National Roads Board—(1) The Authority shall, in respect of regional roads and limited traffic roads constructed or controlled and maintained by it as herein provided, receive from the National Roads Board all such subsidies and other payments as local authorities are entitled to receive under the provisions of the National Roads Act 1953 and its amendments, or any substituted legislation, in respect of roads constructed or maintained by them.

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(2) Any delegation of its powers which the National Roads Board is authorised to make to any local authority may in respect of roads or motorways within the district be made to the Authority.

30 (3) For the purposes of section 22A of the National Roads Act 1953 the Authority shall be deemed to be a local authority to be included in the local authorities referred to in subparagraph (a) of subsection (1) thereof.

11. Roads not vested in Authority—Nothing in this Act shall be deemed to vest the soil of any regional road or limited traffic road in the Authority.

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12. Regional reserves—(1) For the purposes of this section “reserve” means any public domain or public reserve within the meaning of the Reserves and Domains Act 1953 and also any land which in the opinion of the Authority is required or is desirable for a public reserve, public domain, sports ground

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or place of public recreation or enjoyment and “regional reserve” means any reserve aforesaid which in the opinion of the Authority would be of benefit to the inhabitants of two or more local districts within the regional district.

(2) The Authority may —

(a) Take under the Public Works Act 1928 or purchase or otherwise acquire any land for a regional reserve and for the purposes aforesaid; and for the purposes of section 13 of this Act shall be deemed to be a local authority within the meaning of the said Act:

(b) Make contributions from time to time to any local authority or public body for the acquisition, development, or maintenance by such local authority or public body of any regional reserve or make or pay subsidies from time to time for any such purpose.

(3) Where any reserve within the district is vested in a local authority or public body, such local authority or public body and the Authority may agree that such reserve shall be transferred to the Authority upon such terms as may be agreed on.

(4) The Authority shall, in respect of any regional reserve, have all the powers vested in Borough Councils by section 305 of the Municipal Corporations Act 1954, and in addition it may, by special order, grant to any sports club or similar body the exclusive right to occupy any portion of a reserve for such period and on such terms as the Authority may determine.

(5) No regional reserve vested in the Authority shall be liable to be rated by any local authority:

Provided that if any land is at the time at which it is acquired by the Authority as a regional reserve liable for a special rate made as security for any loan, the Authority shall continue to be liable for the payment of that rate, and shall be liable for any special rate thereafter made as security for any subsequent loan raised for the purpose of repaying the whole or any part of that loan, and so in the case of each subsequent redemption loan, but only to the same extent as the Authority would have been liable for the special rate if the loan had not been repaid.

13. Power to take land—(1) The Authority may, while an approved regional planning scheme is operative within the regional district, take, purchase, or otherwise acquire under the Public Works Act 1928, any land in the district if in accordance with the scheme it is necessary or expedient to do so for the proper development or use of the land, or for

the improvement of areas that are too closely subdivided, or are occupied by or appurtenant to any decadent building, or for the purpose of terminating any use of any land or building that does not conform to the scheme, or for the provision or
5 preservation of amenities.

(2) Prior to any such regional planning scheme becoming operative, the Authority may purchase any land for any of the purposes set out in subsection (1) of this section or for any similar purpose or acquire the same under the Public
10 Works Act 1928.

(3) Notwithstanding anything contained in the Public Works Act 1928, the value of any land which is compulsorily acquired by the Authority under this section shall, for the purpose of assessing the amount of compensation to be paid
15 for the land, be assessed without regard to any increase in value attributed wholly or in part to any of the provisions contained in, or to the operation or effect of, the scheme.

(4) (a) The Authority shall hold, for the purposes of the scheme, any land acquired by it under this Act or the Town and Country Planning Act 1953, whether acquired before or after the scheme has become operative, and may dispose of or alienate the land for or in furtherance of the provisions or likely provisions of the scheme.

(b) The Authority shall not, except with the consent of
25 the Minister, dispose of or alienate any land compulsorily acquired by it other than for or in furtherance of the provisions or likely provisions of the scheme.

(5) Where any land held, taken, resumed or otherwise acquired under the Public Works Act 1928 or any other Act
30 for any public work is, in the opinion of the Minister, not required for that work and is required for the purposes or likely purposes of the scheme, the Minister may declare by notice published in the *Gazette*, that the land shall be held and may be used for the purposes of the scheme.

(6) From the date of the publication of the notice, the land described therein, by force of this subsection, vests in the Authority for the purposes of the scheme.

(7) The Authority may, for any purpose permitted by any regional planning scheme operative or intended to be operative in the area where the land is situated, carry out the subdivision or regrouping of any land acquired by it under this section, and the improvement and development thereof for selling or leasing or resale for any purpose, and the Authority may sell, let, or lease any such land or any building or part
40 of a building thereon in such manner and on such terms and conditions as may be determined by the Authority.

(8) For any purpose aforesaid the Authority may publish a notice in accordance with the provisions of subsection (2) of section 29 of the Finance Act (No. 3) 1944 as though it were a local authority therein referred to, and may revoke or amend any such notice from time to time.

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14. Additional powers of Authority—(1) Subject to the provisions of this Act, the Authority shall have within the district the power to undertake and operate public services of a regional character.

(2) For the purposes of this section, public services shall be deemed to include services of the nature referred to in the definition of "Local Authority" set out in section 2 of the 1953 Act but shall not include any services provided by any department of the Crown; and "regional character" shall mean of a kind which serves more than one local district within the Regional District.

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(3) The Authority shall not undertake or operate any regional service or undertaking which at the date of the passing of this Act is being operated within the district by any local authority or public body, except with the consent of such local authority or public body.

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15. Borrowing powers—(1) The Authority may from time to time borrow by way of special loan such sums as are necessary for carrying out the purposes of this Act.

(2) Special loans may be raised by the Authority under the Local Authorities Loans Act 1956, and, notwithstanding anything in section 34 of that Act, without the prior consent of the ratepayers.

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(3) A copy of the special order of the Authority authorising the raising of a special loan, purporting to be sealed with the seal of the Authority and signed by the Chairman and two members shall be published in the *Gazette* and shall be conclusive evidence that all proceedings and things under this Act in relation thereto and in the making of such special order have been lawfully taken and done.

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(4) The provisions of section 4 of the Trustee Act 1956 or any subsisting statutory modification or re-enactment thereof shall, both in respect of trusts heretofore and hereafter created, apply to all bonds, debentures, and other securities issued by the Authority and forming the whole or any portion of any loan which may be raised by the authority under the authority of this or any other Act.

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16. **Security for loans**—Every loan raised by the Authority shall be a general charge against all assessments which the Authority is authorised to levy upon the various contributing authorities within the regional district. Such loans shall be limited to such amount as can be serviced by an assessment, levy, or contribution upon the various contributing Authorities not exceeding one-fiftieth of one penny in the pound of capital value of all rateable property within all parts of its district excluding productive agricultural land.
- 10 17. **Contributions**—Except with its prior consent, no contributing authority shall be required to contribute towards the expenditure of the Regional Authority in any year a sum exceeding one twenty-fifth of a penny in the pound on the capital value of all rateable property within its district
- 15 excluding productive agricultural land.