

*Mr Douglas*

## AUCKLAND REGIONAL AUTHORITY AMENDMENT

[LOCAL]

### ANALYSIS

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### A BILL INTITULED

**An Act to amend the Auckland Regional Authority Act 1963**

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

**1. Short Title**—This Act may be cited as the Auckland Regional Authority Amendment Act 1966, and shall be read together with and deemed part of the Auckland Regional Authority Act 1963 (hereinafter referred to as the principal  
10 Act).

**2. Interpretation**—(1) Subsection (1) of section 2 of the principal Act is hereby amended by adding after the definition of the term “Highway improvement land” (as inserted by section 2 of the Auckland Regional Authority Amendment  
15 Act (No. 2) 1965) the following definition:

No. 66—1

*Price 1s. 6d.*

“‘Limited access road’ means a road which is for the time being a limited access road under the provisions of section 34J of this Act.”

(2) Subsection (1) of section 2 of the principal Act is hereby further amended by inserting, after the definition of the term “Local district”, the following definitions: 5

“‘Metropolitan area’ means all those lands within the Auckland Regional District which are from time to time situate within—

“(a) The Inner Area of the Auckland Metropolitan Drainage District constituted by the Auckland Metropolitan Drainage Act 1960: 10

“(b) The No. 1 combined area constituted under section 3 of the North Shore Drainage Act 1963 and any other combined area or special area constituted under the said section which is contiguous to the said No. 1 combined area or which is contiguous to any combined area or special area which is itself contiguous to the said No. 1 combined area.”: 15 20

“‘Outer Area’ means all those lands from time to time within the Auckland Regional District which are not situate within the Metropolitan Area.”.

(3) Subsection (1) of section 2 of the principal Act is hereby further amended by inserting in the definition of the term “Trading undertaking,” (as added by subsection (2) of section 2 of the Auckland Regional Authority Amendment Act 1964) after the words “Auckland City Council” therein the words “any shop or kiosk conducted and operated by the Authority under section 37 of this Act, any tavernkeepers’ business conducted by the Authority under section 41B of this Act, any licensed restaurant conducted by the Authority under section 41c of this Act, any cafeteria conducted by the Authority under section 41D of this Act”.

**3. Powers of subcommittees**—Section 17A of the principal Act (as inserted by subsection (4) of section 3 of the Auckland Regional Authority Amendment Act 1964) is hereby amended by adding to subsection (1) thereof the following proviso: 35

“Provided that a subcommittee consisting solely of two or more members of the Authority or consisting solely of one or more members of the Authority and one or more officers of the Authority may also, without confirmation by the Authority or by any committee of the Authority, exercise and 40

perform such powers or duties delegated to it by the Authority or by the committee of the Authority appointing such subcommittee, in the like manner and with the same effect as the Authority or the committee making such appointment  
5 as aforesaid could itself exercise or perform the same”.

**4. Regional roads**—(1) The principal Act is hereby amended by repealing section 34, and substituting the following sections:

“**34. Power to declare regional roads**—(1) The Authority  
10 may from time to time by resolution publicly notified, but subject to the provisions for objection and appeal contained in this Act, declare any road or part thereof (not being a State highway) whether then actually constructed or not, and any other lands that are not theretofore constituted part  
15 of a road, to be, or to be required for the purposes of, a regional road within the meaning and for the purposes of this Act, and shall, by the same or a subsequent resolution publicly notified, define the boundaries of that regional road. A copy of any resolution passed in pursuance of this subsection  
20 shall forthwith be sent to every local authority within the regional district.

“(2) In so defining the boundaries of any regional road the Authority shall not be constrained to accept the boundaries of any existing road or part thereof, and may if it thinks  
25 fit declare either permanently or temporarily more than one regional road between any two places.

“(3) Every resolution under this section may in like manner from time to time be varied or altered, or may be at any time in like manner revoked.

30 “**34A. Local authority may request Authority to declare regional road**—(1) If any local authority is of the opinion that any road or part thereof situate within its respective local district should be declared to be a regional road or part thereof, such local authority may, by notice in writing, re-  
35 quest the Authority to pass a resolution in terms of section 34 of this Act, to declare such road or part thereof described in such notice to be a regional road or part thereof, and the provisions of the said section 34 and of section 34B of this Act shall apply to any resolution passed in pursuance of this  
40 subsection.

“(2) If the Authority considers that the road or part thereof described in the notice given by a local authority in accordance with subsection (1) of this section should not be declared to be a regional road or part thereof, the

Authority shall, within three months from the date of receipt by it of the notice under that subsection, give written notification to the local authority which gave the said notice that the Authority refuses to declare the road or part thereof described in the said notice to be a regional road and shall in such notification state the grounds of its refusal. 5

“(3) Where the Authority refuses a request made in accordance with subsection (1) of this section to declare a road or part thereof to be a regional road or part thereof, the local authority whose request is refused may, within two months from the date of receipt by it of the written notification of refusal referred to in subsection (2) of this section, appeal against such refusal to the Town and Country Planning Appeal Board constituted under the Town and Country Planning Act 1953 (hereinafter in this Act referred to as the Appeal Board). 10 15

“(4) If the Authority shall not give any notification of refusal in accordance with subsection (2) of this section, it shall, not later than three months from the date of receipt by it of the notice under subsection (1) of this section by resolution in pursuance of section 34 of this Act, declare the road or part thereof described in the notice given in accordance with subsection (1) of this section to be a regional road or part thereof. 20

“34B. Objections and appeals by local authorities against declaration of regional roads—(1) Any local authority may, within two months from the date of receipt by it of a copy of the resolution referred to in section 34 of this Act, give to the Authority and to every other local authority within the regional district written notice that it objects to the declaration contained in the said resolution, and shall in such notice, set forth the grounds of its objection. 25 30

“(2) The Authority shall as soon as reasonably possible after receipt by it of any objection in terms of subsection (1) of this section give to the local authority making such objection and to every other local authority within the regional district not less than fourteen days' written notice of the time and place in Auckland at which such objection is to be considered by the Authority or by a committee thereof, and every local authority shall at such time and place be entitled to make such submissions as it deems fit in support of or in opposition to the said grounds of objection. 35 40

“(3) If the Authority, after the aforesaid submissions (if any) have been heard in the manner provided, refuses either in whole or in part, to allow any objection made by a local authority in terms of this section, such local authority may, 5 within two months after notice of the disallowance either in whole or in part of its objection shall have been given to it by the Authority, appeal against such refusal to the Appeal Board.

“(4) Nothing in this section shall affect the right of objection given to any person by the Public Works Act 1928. 10

“34c. **Power to take lands**—Any lands that have not theretofore been constituted part of a road and which are declared to be, or to be required for the purposes of, a regional road in accordance with section 34 of this Act shall, subject to any 15 variation thereof consequent upon the determination of any objection or appeal in accordance with the provisions of this Act, be and be deemed to be required for a public work and may for such purpose be purchased or otherwise acquired or taken by the Authority under the provisions of the Public 20 Works Act 1928, or may, at the request and cost of the Authority and on its behalf be purchased, or otherwise acquired or taken under the provisions of such Act by the local authority in whose local district such lands or part thereof are situated.

“34d. **Powers of Authority in relation to regional roads**— 25

(1) After—

“(a) The Authority has, as required by the Public Works Act 1928, considered any other objections which may lawfully be made under such Act to the 30 taking of any land in terms of section 34c of this Act; and

“(b) The Authority has considered any objection made by a local authority in terms of section 34b of this Act; and

35 “(c) Any appeal referred to in the said section 34b shall have been determined and in accordance with such determination; and

“(d) The issuing of any requisite Proclamation in terms of section 23 of the Public Works Act 1928— 40 the road or other lands specified in the resolution passed in pursuance of section 34 of this Act shall, subject to any variations thereof made consequent upon the hearing of any objection or appeal thereupon, be and become a regional road, and the Authority shall in respect of such regional road

and every part thereof, but subject to the provisions of the succeeding sections of this Act, have the sole powers of formation, construction, upgrading, maintenance, and control thereof and for that purpose the powers, rights, duties, and liabilities vested in or imposed on a local authority in respect of any roads under its control shall in respect of regional roads be and the same are hereby transferred to or vested in or imposed on the Authority: 5

“Provided that nothing in this Act shall be deemed to vest the soil of any regional road in the Authority. 10

“(2) The Authority shall, in respect of any land purchased or otherwise acquired or taken pursuant to section 34c of this Act, have the like powers of administration, maintenance, sale, leasing, and other disposal as are vested in a Borough Council under the Municipal Corporations Act 1954 or any other Act in respect of public works and in respect of land held for the purpose of a public work. 15

“(3) The Authority may at any time dedicate as a road or street any land or part thereof vested in it for the purposes of a regional road. 20

“(4) Where a provision of any enactment makes a person’s right to erect or use a building of any kind on any land, or to subdivide any land, conditional upon the land having a frontage or access to a road or street, or in any other way conditional upon the existence of a road or street, for the purposes of that provision a regional road or part thereof shall except in cases where the provisions of subsection (5) of section 34J of this Act apply, be deemed to be a road or street. 25

“(5) No rates, whether in pursuance of the Rating Act 1925 or any other enactment whatsoever, shall be payable by the Authority to any local authority in respect of any regional road, limited access road, or access road constructed in pursuance of paragraph (b) of subsection (3) of section 34J of this Act or in respect of any land purchased or otherwise acquired or taken for the purpose of any regional road, or access road to be constructed in pursuance of paragraph (b) of the said subsection (3) of section 34J of this Act: 30 35

“Provided that if any land or part thereof purchased or otherwise acquired or taken by the Authority for the purpose of any regional road or access road as aforesaid is let or leased by the Authority, then the Authority shall in respect of the area of land so let or leased and for the period of such letting or leasing pay to the local authority in whose district such land so let or leased is situated, all rates in respect thereof 40 45

which the Authority would be liable to pay but for the exemption granted by this subsection.

“34E. Appeals against intention to commence formation construction or upgrading of regional road—(1) The powers  
5 of formation, construction, or upgrading of any regional road or part thereof conferred by section 34E of this Act shall not be exercised by the Authority without the prior written consent of the National Roads Board,

“ (2) After the aforesaid consent of the National Roads  
10 Board has been obtained to the exercise by the Authority of the power of formation, construction, or upgrading of any regional road or part thereof and before commencing any such formation, construction, or upgrading, the Authority shall by notice in writing inform every local authority within  
15 the regional district of the Authority’s intention to proceed with such work and shall in such notice give all such information relating to the Authority’s intention as shall in the circumstances be reasonably necessary to give each local authority a proper understanding of such intention. The  
20 Authority shall have available for the inspection of any local authority plans setting out the proposed design of such road or part thereof. If any local authority to which notice is required to be given as aforesaid shall consider that in carrying out its aforesaid intention the Authority is giving the  
25 formation, construction, or upgrading of such regional road or part thereof undue priority over the formation, construction, or upgrading of some other regional road or part thereof or if any such local authority shall be dissatisfied with the proposed design of such regional road or part thereof it may,  
30 within two months from the date of receipt by it of such notice, appeal to the Appeal Board on the aforesaid questions of priority and design (but not on other questions or matters). If a local authority to which notice is given in terms of this subsection does not lodge an appeal within the time aforesaid,  
35 it shall for all purposes be deemed to agree with the Authority’s intention as set forth in the aforesaid notice given in terms of this subsection.

“ (3) Nothing in this Act shall be deemed to prevent the Authority and the local authority in whose district the re-  
40 gional road or part thereof is situated from agreeing upon and carrying into effect any minor variations of the route or design of a regional road or part thereof.

“ (4) Until such time as the Authority shall by resolution recommend its regional planning scheme or a section thereof  
45 in accordance with the Town and Country Planning Act

1953, which shall (*inter alia*) show which existing roads or other lands it proposes, initially, to declare as, or be required for the purposes of a regional road, no formation, construction, or upgrading of a regional road or part thereof shall be commenced without the prior written consent of the local authority or local authorities through whose local district such regional road or part thereof is situated. 5

“34F. Power to delegate—(1) The powers of formation, construction, upgrading, maintenance and control of regional roads or any part thereof conferred upon the Authority by section 34D of this Act or any of those powers, or any part thereof, shall be delegated by the Authority to the local authority or local authorities in whose local district the regional road or any part thereof is or is to be formed or constructed if such local authority or local authorities shall so require, and if such local authority or local authorities has or have, in the Authority’s opinion, the ability and facilities to carry out such formation, construction, upgrading, maintenance and control in a proper and workmanlike manner in accordance with plans, specifications or requirements relating thereto prepared or approved by the Authority, without any undue delay, and at a cost acceptable to the Authority. If such powers are not delegated in accordance with the foregoing provisions of this subsection, the Authority may, in its discretion, delegate the same to any other local authority or local authorities or to any other person or persons, whether incorporated or not, and on any delegation to a local authority in accordance with the provisions of this subsection, such local authority may exercise the powers so delegated. 10  
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“(2) Any delegation by the Authority in pursuance of subsection (1) of this section shall be effected by a resolution of the Authority and may be either absolute or subject to such conditions as the Authority may by that resolution determine, and any such delegation may be at any time in like manner revoked or varied. 30  
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“(3) While any powers of the Authority are delegated to a local authority in terms of this section, the local authority shall exercise such delegated powers in its own name and shall be liable accordingly and the Authority shall not be answerable for any act or default of the local authority. 40

“34G. Cost of regional roads—The cost of purchasing or otherwise acquiring or taking any land in pursuance of section 34c of this Act and the cost of carrying out any formation, construction, upgrading, maintenance, or control of a regional



road or part thereof, whether delegated or not, shall be included in the estimate to be prepared in accordance with section 58 of this Act and in the separate account referred to in paragraph (c) of subsection (2) of section 61 of this Act.

5     “**34H. Revocation of a regional road**—(1) The Authority  
may with the prior written consent of the National Roads  
Board from time to time, by resolution publicly notified,  
10     declare that any regional road or part thereof shall cease  
to be a regional road as from the date specified in that  
or in a subsequent resolution and as from such date (but  
subject always to the determination of any appeal in  
terms of this section) the said road or part thereof shall  
cease to be a regional road and all the powers, rights,  
duties, and liabilities in respect of such road or part thereof  
15     shall thereupon be transferred to or vested in or imposed upon  
the local authority or local authorities in whose respective  
local district or districts the former regional road or part  
thereof was situated. A copy of the resolution passed in  
pursuance of this subsection shall forthwith be sent to every  
20     local authority in whose local district the regional road or  
part thereof referred to in such resolution is situated.

“**(2)** A local authority in whose local district is situated a  
regional road or part thereof which is to cease to be a regional  
road or part thereof in accordance with the declaration con-  
25     tained in a resolution passed under subsection (1) of this  
section, may, within two months from the date of receipt by  
it of a copy of such resolution, give to the Authority written  
notice that it objects to the declaration contained in the  
said resolution, and shall in such notice, set forth its grounds  
30     of objection.

“**(3)** The Authority shall as soon as reasonably possible  
after receipt by it of any objection in terms of subsection (2)  
of this section give to the local authority making such objec-  
tion not less than fourteen days’ written notice of the time  
35     and place in Auckland at which such objection is to be con-  
sidered by the Authority or by a committee thereof, and  
such local authority shall at such time and place be entitled  
to make such submissions as it deems fit in support of its  
grounds of objection.

40     “**(4)** If the Authority, after the aforesaid submissions (if  
any) have been heard in the manner provided, refuses either  
in whole or in part to allow any objection made by a local  
authority in terms of this section, such local authority may,  
within two months after notice of the disallowance either

in whole or in part of its objection shall have been given to it by the Authority, appeal to the Appeal Board against such refusal.

“34i. Appeals—(1) Any appeal by a local authority in pursuance of sections 34A, 34B, and 34E of this Act shall be commenced by notice of appeal given within the time specified therein to the Secretary of the Appeal Board, which is hereby directed, authorised and empowered to hear and determine the same in accordance with this Act. The notice of appeal shall set forth the grounds thereof and a copy of such notice shall at the same time be given to the Authority and to every other local authority within the regional district. The Secretary shall give to the local authority filing a notice of appeal not less than one month’s written notice of the date, time, and place in Auckland at which such appeal is to be heard, and the local authority filing the notice of appeal shall give to the Authority and to every other local authority not less than twenty-one days’ written notice of the date and time and place of the hearing of such appeal.

“(2) The grounds of any appeal in pursuance of section 34A of this Act shall be limited to the grounds set out in the notification given in accordance with subsection (2) of that section; and the grounds of any appeal in pursuance of section 34B of this Act shall be limited to the grounds of objection stated in the notice required to be given in pursuance of subsection (1) of that section; and the grounds of any appeal in pursuance of section 34E of this Act shall be limited to the questions of priority and design of a regional road or part thereof; and on the hearing of any appeal the Authority and the local authority which is appealing and every other local authority may appear and call evidence of any matter which the Appeal Board considers should be taken into account in determining the subject matter of the appeal as disclosed by the grounds set forth in notice of appeal.

“(3) If the Appeal Board allows, either in whole or in part, an appeal under section 34A of this Act, the provisions of section 34B of this Act shall not apply to the declaration of the road or part thereof concerned in such appeal as a regional road or part thereof.

“(4) In determining any appeal as aforesaid, the Appeal Board may disallow the appeal or allow the same either in whole or in part, and the Appeal Board shall, in addition to any other matters which it considers to be relevant in connection with the subject matter thereof, have due regard to any matters which, in its opinion, are or are likely to be, included

in any regional planning scheme or district scheme under the Town and Country Planning Act 1953 or any section or sections thereof and which would be or be likely to be prejudiced or detrimentally affected by allowing the appeal either  
5 in whole or in part, but in no case shall the Appeal Board allow any appeal either in whole or in part in any case where the objection or question, in respect of which the appeal is brought, is contrary to, or prohibits the implementation of, any of the provisions of a regional planning scheme or any  
10 section or sections thereof which has or have become operative under the last-mentioned Act.

“(5) The Appeal Board, on application to it in that behalf, may waive compliance with any requirement of this Act as to the time or method of serving documents (other than the  
15 time for lodging notices of objection or appeal in cases where the Authority does not consent to any waiver) and as to the documents to be served and the persons or parties upon whom any documents are to be served, if it is satisfied that no person or party to any such objection or appeal will be prejudiced  
20 by the waiver.

“34j. **Limited access roads**—(1) The Authority may from time to time, by resolution publicly notified, declare any regional road, or part thereof, to be a limited access road within the meaning of and for the purposes of this Act.

25 “(2) No regional road, or part thereof, shall be declared to be a limited access road unless—

“(a) Each parcel of land that adjoins or has legal access to that regional road or part thereof (being a  
30 parcel of land that can legally be transferred to a person other than an owner of adjoining land without the dedication of any further land as a public road or street and without the deposit of any further plan) also has reasonably practicable alternative legal access to some other road or street; or

35 “(b) For each such parcel of land that does not have such reasonably practicable alternative legal access, the Authority has authorised at least one sufficient specified crossing place at which vehicles are permitted to proceed to and from the limited access  
40 road from and to the parcel of land; or

“(c) The Authority, in any case where it considers it inexpedient to authorise any sufficient specified crossing place as aforesaid, purchases or otherwise acquires  
45 or takes under the provisions of the Public Works

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- Act 1928 any parcel of land that does not have a reasonably practicable alternative legal access.
- “(3) The Authority may in the case of any limited access road from time to time—
- “(a) By notice to the owner of the parcel of land affected— 5
- “(i) Authorise, subject to such conditions (if any) as it may specify, any specified crossing place at which vehicles may proceed to and from any limited access road from and to any specified parcel of land: 10
- “(ii) Cancel any such authorisation if the parcel of land will still have reasonably practicable legal access to some other road or street or will still have some other such authorised crossing place:
- “(iii) Cancel or vary any such conditions or 15 impose further conditions:
- “(b) Construct any access road that it may be expedient to construct to give access, whether additional or not, to any land adjoining or near a limited access road: 20
- “(c) In the same manner as it declares any road to be a limited access road, revoke any such declaration whereupon the former limited access road shall again become a regional road.
- “(4) Without restricting any provisions of this or any other 25 Act, it is hereby declared that no person shall drive or move any vehicle or animals, or permit any vehicle or animals to be driven or moved, onto or from any limited access road, except—
- “(a) In a case where a regional road or part thereof has 30 been declared under subsection (1) of this section to be a limited access road, at a motorway, road, street, or service lane from which vehicles might lawfully be driven or moved onto the regional road or part thereof immediately before that declaration; 35 or
- “(b) In any case to which paragraph (a) of this subsection does not apply, at a motorway, road, street, or service lane from which vehicle access to the limited access road has been authorised by the Authority 40 and subject to such conditions as may be approved and publicly notified by the Authority; or
- “(c) At a specified crossing place authorised by the Authority and subject to such conditions as are for the 45 time being specified by the Authority in accordance with subsection (3) of this section.

5 “(5) Where any provision of any enactment makes any person’s right to erect or use a building of any kind on any land, or to subdivide any land, conditional upon the land having a frontage or access to a road or street, or in any other way conditional upon the existence of a road or street, for the purposes of that provision a limited access road shall be deemed not to be a road or street.

10 “(6) Every limited access road shall be clearly marked at each entrance thereto other than an authorised crossing place by such traffic signs as may from time to time be prescribed under the Transport Act 1962.

15 “(7) Every person who acts in contravention of or fails to comply in any respect with any provision of this section commits an offence, and is liable on summary conviction to a fine not exceeding ten pounds for each such offence.

“(8) The following provisions shall apply in respect of the declaration under subsection (1) of this section of a limited access road:

20 “(a) Every such declaration shall refer to a plan showing—

“(i) The regional road or part thereof to which the declaration relates:

“(ii) Any authorised crossing places:

25 “(iii) The boundaries of all road and street frontages of each parcel of land adjoining the regional road or part thereof to which the declaration relates:

30 “(iv) The boundaries of all other types (if any) of legal access (whether rights of way, roadlines, private roads, or any other types whatsoever) connecting the regional road or part thereof to any other parcel of land:

35 “(v) The title references to every parcel of land to which subparagraph (iii) or subparagraph (iv) of this paragraph applies:

“(b) Every such declaration shall indicate where the plan is held and may be inspected:

40 “(c) The Authority shall cause a copy of the resolution referred to in subsection (1) of this section together with a statement, signed by the Secretary of the Authority, setting out by sufficient descriptions and title references all the said parcels of land, to be delivered to the District Land Registrar of the district in which the land is situated, and the District Land Registrar shall record it against the titles to all the parcels of land therein described:

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“(d) The Authority shall cause a copy of the said resolution to be served on the owner and occupier of the land adjoining or having legal access to the regional road or part thereof to which the resolution relates so far as they can be ascertained. 5

“(9) The Authority, after consultation with the local authority in whose local district a limited access road or part thereof is or is to be situated, is hereby empowered to purchase or otherwise acquire or take under the provisions of the Public Works Act 1928 any land required for the purpose of constructing any access road referred to in paragraph (b) of subsection (3) of this section; and subject to the provisions of this Act, the provisions of the Public Works Act 1928 and of every other enactment relating to roads shall, so far as they are applicable and with the necessary modifications, apply 10 to— 15

“(a) All limited access roads declared under subsection (1) of this section:

“(b) The purchasing, acquisition, and taking of land required for the purpose of constructing any access road in terms of paragraph (b) of subsection (3) of this section and the closing of any such access road or limited access road. 20

“(10) Every person having any estate or interest in any lands injuriously affected by or suffering any damage from the exercise of any of the powers authorised by this section shall be entitled to full compensation for the same from the Authority and any such claim shall be determined in the same manner as a claim for compensation made under section 42 of the Public Works Act 1928. 25 30

Provided however that—

“(a) No claim shall be made after a period of five years from the date of the exercise of the power:

“(b) The Land Valuation Court shall take into account, by way of deduction from the total amount of compensation that would otherwise be awarded, any increase in the value of the parcel of land in respect of which compensation is claimed that has occurred in consequence of the exercise by the Authority of any power under subsection (3) of this section. 35 40

“(11) All the powers, rights, duties, and liabilities transferred to, vested in, or imposed upon the Authority by this or any other Act in respect of the dedication, formation, construction, upgrading, maintenance, and control of regional roads and the powers of delegation conferred upon the 45

Authority by section 34F of this Act and the provisions of section 34G of this Act relating to the costs of regional roads, shall, so far as they are applicable and with any necessary modifications, apply to limited access roads and access roads  
5 constructed in pursuance of paragraph (b) of subsection (3) of this section.

“34K. **Bylaws**—Every bylaw in force in respect of any road immediately prior to its constitution as a regional road, or limited access road under this Act, shall continue in force  
10 as if made by the Authority in respect of that regional road or limited access road unless or until it is revoked or superseded pursuant to the powers conferred by this Act.”

(2) The principal Act is hereby further amended by altering the number of section 34A (as inserted by section 3 of the  
15 Auckland Regional Authority Amendment (No. 2) Act 1965) to section number 34L.

5. **Facilities at Regional Reserves**—Section 37 of the principal Act is hereby amended by adding after subsection (4) (as added by subsection (5) of section 4 of the Auckland  
20 Regional Authority Amendment Act 1964) the following subsection:

“(5) The Authority may, on any regional reserve owned, administered, or controlled by it, provide buildings suitable for the purpose of conducting therein a shop or kiosk at which  
25 members of the public using such reserve may purchase such articles or commodities which they may reasonably require and the Authority may itself conduct and operate such shop or kiosk or it may grant a lease or licence of the same to any  
30 person or persons, whether incorporated or not, at such rental or other consideration and for such period (with or without any right of renewal) and upon such terms and conditions as it thinks fit.”

6. **Lounge Bar at Auckland International Airport**—The principal Act is hereby amended by inserting after section 41A  
35 (as inserted by section 8 of the Auckland Regional Authority Amendment Act 1965) the following section:

“41B. (1) Subject as is provided in this section, the Authority is hereby expressly authorised to hold a tavern premises licence and a tavernkeeper’s licence, or either of them, under  
40 the Sale of Liquor Act 1962 and to conduct the business in respect of which any such licence is granted;

“Provided that the premises in respect of which a licence is granted in pursuance of this section shall be situated within or at the Auckland International Airport (being the Airport referred to in section 40 of this Act).

“(2) Before any tavern premises licence is granted in pursuance of this section, the premises in respect of which the application for such licence relates shall comply with such actual or minimum standards of accommodation, services, and other facilities as shall be required by the Licensing Control Commission appointed under the Sale of Liquor Act 1962 (hereinafter in this section referred to as the Commission) and the Commission may, if it thinks fit, direct that facilities for any bar shall include facilities for sit down drinking, or may direct that provision be made for a bar at which liquor and light refreshments may be served but not consumed, and for chairs and tables, or other facilities of a like nature, at which liquor and light refreshments may be consumed.

“(3) The fact that the Commission has prescribed actual or minimum standards under the provisions of subsection (2) of this section shall not affect the powers of the Commission or of the relevant Licensing Committee at any time to give directions as to accommodation, services and other facilities.

“(4) Application for the grant to it of a tavern premises licence authorised by this section shall be made by the Authority to the Commission accompanied by such particulars as are prescribed by subsections (3) and (4) of section 87 of the Sale of Liquor Act 1962 and, when the requirements of the Commission under subsection (2) of this section relating to the premises in respect of which application for a tavern premises licence has been made are complied with, and anything to the contrary contained in the Sale of Liquor Act 1962 notwithstanding, the Commission is hereby authorised to and shall grant to the Authority a tavern premises licence under the Sale of Liquor Act 1962 in respect of the said premises and shall issue a certificate authorising the relevant Licensing Committee to issue such licence to the Authority, and the provisions of the Sale of Liquor Act 1962, so far as they relate to any application for a tavern premises licence or the grant or issue thereof, shall not, except where the same are by this section expressly made applicable, apply to any application for or grant or issue of a tavern premises licence authorised to be granted and issued pursuant to this section, and on receipt of such certificate the Chairman of the relevant Licensing Committee shall issue such licence.



“(5) The Authority may itself apply for and hold a tavern-keeper’s licence under the Sale of Liquor Act 1962 in respect of any tavern premises licensed in terms of this section and may in such case itself conduct therein the business of a  
5 tavernkeeper by a manager as prescribed by Part VII of the Sale of Liquor Act 1962 which shall apply hereto, or it may grant a lease or licence of such tavern premises to any other person or persons, whether incorporated or not, at such rental or other consideration and for such period (with or without  
10 any right of renewal) and upon such terms and conditions as it thinks fit, and the relevant Licensing Committee constituted and established under the Sale of Liquor Act 1962 is, anything to the contrary contained in such Act notwithstanding, hereby expressly empowered to grant and issue the  
15 tavernkeeper’s licence which the Authority or any other person or body corporate may hold pursuant to this section.

“(6) Any tavernkeeper’s licence granted in respect of any tavern premises licensed in terms of this section shall, whether held by the Authority or any person or body corporate occupying the licensed premises under lease or licence from the  
20 Authority, in addition to any other conditions applicable thereto provided by the Sale of Liquor Act 1962, and anything to the contrary contained in such Act notwithstanding, be subject to the following further conditions, namely:

25 “(a) The holder of the tavernkeeper’s licence shall be prohibited from selling or disposing of liquor on the tavern premises to any person for consumption off the tavern premises:

30 “(b) The holder of the tavernkeeper’s licence shall be authorised to sell and dispose of liquor on the tavern premises to any person for consumption on the tavern premises at any time of any day or night during which the passenger terminal building at the Auckland International Airport is open  
35 to receive passengers arriving or departing from the Auckland International Airport by air:

40 “(c) In addition to the powers conferred upon the holder of a tavernkeeper’s licence, or upon a manager conducting the business on the tavern premises, by section 188 of the Sale of Liquor Act 1962, the holder of a tavernkeeper’s licence in respect of tavern premises licensed by this section or any manager appointed by him in accordance with that Act may refuse to admit into the tavern  
45 premises or to supply liquor to any person or

persons who are not bona fide passengers who have arrived at or who are about to depart from the Auckland International Airport by air or bona fide relatives or friends of such passengers.

“(7) The provisions of subsection (1) of section 187 of the Sale of Liquor Act 1962 shall not apply to tavern premises licensed by this section. 5

“(8) Except as the same are by this section negated, varied, or modified, the provisions, powers, rights, and duties contained in the Sale of Liquor Act 1962 or in any other Act shall with any necessary modifications apply to any tavern premises licence or tavernkeeper’s licence granted in pursuance of this section.” 10

**7. Licensed restaurant at Auckland International Airport—**

The principal Act is hereby amended by inserting, after section 41B (as inserted by section 6 of this Act) the following section: 15

“41c. The Authority is hereby authorised and empowered to apply for and hold a restaurant licence granted and issued in accordance with the provisions of the Sale of Liquor Act 1962 and to carry on the restaurant business in the premises described in such licence: 20

“Provided that the restaurant premises in respect of which a licence is granted and issued in pursuance of this section shall be situate within or at the Auckland International Airport (being the Airport referred to in section 40 of this Act).” 25

**8. Cafeteria at Auckland International Airport—**

The principal Act is hereby further amended by inserting after section 41c (as inserted by section 7 of this Act) the following section— 30

“41d. The Authority may in premises situate within or at the Auckland International Airport (being the Airport referred to in section 40 of this Act) provide accommodation and facilities suitable for the purpose of conducting therein a public cafeteria, and the Authority may itself conduct and operate such cafeteria or it may grant a lease or licence of the same to any person or persons, whether incorporated or not, at such rental or other consideration and for such period (with or without any right of renewal) and upon such terms and conditions as it thinks fit.” 35 40

**9. Bulk water-supply undertaking**—The principal Act is hereby amended by repealing subsection (7) of section 42, and substituting the following subsection:

“(7) Subject to the provisions of this Act, the Authority,  
5 on taking over the bulk water-supply undertaking of the City Council, shall have and shall be deemed always to have had all exemptions from rates or otherwise, and shall have and may exercise all the powers in relation to waterworks conferred on borough councils by the Municipal Corporations  
10 Act 1954, or by any other Act, so far as the same relate to waterworks or to bulk water-supply, as if the Authority were a borough council and the regional district a borough, and the provisions of the Municipal Corporations Act 1954 and of any other relevant Act as aforesaid, shall, with the necessary  
15 modifications, extend and apply accordingly:

“Provided that any land the fee simple whereof is vested in the Authority and which is used by it for the purposes of its waterworks or bulk water-supply undertaking shall be deemed to be rateable property as defined in section 2 of the  
20 Rating Act 1925 and the foregoing provisions of this subsection shall not exempt the Authority from the payment to any local authority of rates on such rateable property, but in any such case the rateable value (as defined in section 2 of the last-mentioned Act) of such rateable property shall  
25 not in any case where the system of rating property on its capital or unimproved value is in force, exceed the unimproved value (as defined in section 2 of the Valuation of Land Act 1951) of such property, or in any case where the system of rating property on its annual value is in force and any-  
30 thing to the contrary contained in any other Act notwithstanding, exceed a rental amounting to five per centum of such unimproved value.”

**10. Assessments**—(1) Section 61 of the principal Act is hereby amended by repealing paragraph (c) of subsection  
35 (2) (as substituted by section 4 of the Auckland Regional Authority Amendment Act (No. 2) 1965) and substituting the following paragraph:

“(c) The acquisition of highway improvement land and other lands required for regional roads, and access  
40 roads in terms of paragraph (b) of subsection (3) of section 34J of this Act, and the formation, construction, upgrading, maintenance, improvement, and control of regional roads, highway improvement land, regional motorways, limited access

roads and access roads constructed in pursuance of the said paragraph (b) of subsection (3) of the said section 34J”.

(2) Section 61 of the principal Act is hereby amended by repealing subsections (5), (6), and (7) thereof and substituting the following subsections: 5

“(5) The amounts payable under paragraph (b) of subsection (2) of this section shall be assessed and charged to the local authorities within the regional district in the following manner: 10

“(a) Where the local district of any local authority lies wholly or partly within the Metropolitan Area, such local authority shall be assessed and charged in proportion to the mean percentage of rateable capital value and population of the whole or so much of its respective local district as lies within the Metropolitan Area: 15

“(b) Where the local district of any local authority lies partly within the Metropolitan Area and partly within the Outer Area, such local authority shall be further assessed and charged on the basis of the mean percentage of one quarter of the rateable capital value and population of that part of its respective local district which lies within the Outer Area: 20 25

“(c) Where the local district of any local authority lies wholly within the Outer Area, such local authority shall be assessed and charged on the basis of the mean percentage of one quarter of the rateable capital value and population of its respective local district. 30

“(6) (a) That part of the amount payable under paragraph (c) of subsection (2) of this section in respect of the acquisition of highway improvement land and other lands required for regional roads and access roads in terms of paragraph (b) of subsection (3) of section 34J of this Act, or any part or parts thereof situate within the Metropolitan Area, and the formation, construction, upgrading, maintenance, improvement, and control of regional roads, highway improvement land, regional motorways, limited access roads, and access roads as aforesaid, or any part or parts thereof situate within the Metropolitan Area, shall be assessed and charged only to those local authorities whose respective local districts or part thereof lie within the Metropolitan Area and then only in proportion to the mean percentage of rateable 35 40 45

capital value and population of the whole or so much of the land within their respective local districts as lies within the Metropolitan Area.

5 “(b) That part of the amount payable under paragraph (c) of subsection (2) of this section in respect of the acquisition of highway improvement land and other lands required for regional roads and access roads in terms of paragraph (b) of subsection (3) of section 34J of this Act, or any part or  
10 parts thereof situate within the Outer Area, and the formation, construction, upgrading, maintenance, improvement and control of regional roads, highway improvement land, regional motorways, limited access roads, and access roads as aforesaid, or any part or parts thereof situate within the Outer  
15 Area, shall be assessed and charged to the local authorities within the regional district in the following manner:

20 “(i) Where the local district of any local authority lies wholly or partly within the Metropolitan Area, such local authority shall be assessed and charged in proportion to the mean percentage of rateable capital value and population of the whole or so much of its respective local districts as lies within the Metropolitan Area:

25 “(ii) Where the local district of any local authority lies partly within the Metropolitan Area and partly within the Outer Area, such local authority shall be further assessed and charged in respect of the cost of acquisition of highway improvement and other lands required for regional roads, and access roads in terms of paragraph (b) of subsection (3) of section 34J of this Act or any part  
30 or parts thereof situate within that part of its respective local district which lies within the Outer Area and the formation, construction, upgrading, maintenance, improvement, and control of regional roads, highway improvement land,  
35 regional motorways, limited access roads, and access roads as aforesaid, or any part or parts thereof situate within that part of its respective local district which lies within the Outer Area, in proportion to the mean percentage of rateable capital value and population of that part of its respective local district which lies within the  
40 Outer Area:

45 “(iii) Where the local district of any local authority lies wholly within the Outer Area, such local authority shall be assessed and charged in proportion

to the mean percentage of rateable capital value and population of its respective local district only in respect of the cost of acquisition of highway improvement land and other lands required for regional roads and access roads in terms of paragraph (b) of subsection (3) of section 34 J of this Act or any part or parts thereof situate within its respective local district and for the formation, construction, upgrading, maintenance, improvement, and control of regional roads, highway improvement land, regional motorways, limited access roads and access roads as aforesaid or any part or parts thereof situate within its respective local district. 5

“(7) The amount payable under paragraph (d) of subsection (2) of this section shall be assessed and charged to the local authorities within the regional district in the following manner: 10

“(a) Where the local district of any local authority lies wholly or partly within the Metropolitan Area, any such local authority shall be assessed and charged in proportion to the mean percentage of rateable capital value and population of the whole or so much of its respective local district as lies within the Metropolitan Area: 20 25

“(b) Where the local district of any local authority lies partly within the Metropolitan Area and partly within the Outer Area, such local authority shall be further assessed and charged in respect of the cost of acquisition, maintenance, and improvement of regional reserves or any part thereof which are situated within that part of its respective local district which lies within the Outer Area, in proportion to the mean percentage of rateable capital value and population of that part of its respective local district which lies within the Outer Area: 30 35

“(c) Where the local district of any local authority lies wholly within the Outer Area, such local authority shall be assessed and charged in proportion to the mean percentage of rateable capital value and population of its respective local district only in respect of the cost of the acquisition, maintenance, and improvement of regional reserves or part thereof situated within its respective local district. 40 45

“(8) The amounts payable under paragraph (e) of subsection (2) of this section shall be assessed and charged only to those local authorities within the regional district whose respective local districts lie wholly or partly within the Metropolitan Area and in proportion to the mean percentage of rateable capital value and population of the whole or that part of their respective local districts which lie within the Metropolitan Area.

“(9) The amounts payable under paragraph (f) of subsection (2) of this section shall be assessed and charged to the local authorities within the regional district in the manner provided in section 40 of this Act.

“(10) The amounts payable under paragraph (g) of subsection (2) of this section shall be assessed and charged as provided in the Auckland Metropolitan Drainage Act 1960 and shall be levied separately from all other charges.

“(11) The amounts payable under paragraph (h) of subsection (2) of this section (as inserted by subsection (2) of section 7 of the Auckland Regional Authority Amendment Act 1964) shall be assessed and charged to the local authorities within the regional district in the following manner:

“(a) Where the local district of any local authority lies wholly or partly within the Metropolitan Area, such local authority shall be assessed and charged in proportion to the mean percentage of rateable capital value and population of the whole or so much of its respective local district as lies within the Metropolitan Area:

“(b) Where any other undertaking, service, or activity conducted and carried on by the Authority for the benefit of the whole of the district is of direct benefit to the local district of any local authority whose respective local district lies wholly or partly in the Outer Area, such local authority shall be assessed and charged in proportion to the mean percentage of rateable capital value and population of the whole or so much of its respective local district as lies within the Outer Area.”

**11. Levies and rates**—The principal Act is hereby amended by repealing sections 59, 68, 69, and 70.