

Warren Kyd

**CLEVEDON AGRICULTURAL AND PASTORAL
ASSOCIATION EMPOWERING**

[PRIVATE]

ANALYSIS

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A BILL INTITULED

An Act—

5 **(a) To enable the Clevedon Agricultural and Pastoral Association to sell land to the Manukau City Council and to provide for the future use of that land; and**

(b) To authorise the investment of the proceeds of that sale

10 WHEREAS the Clevedon Agricultural and Pastoral Association is registered as proprietor of an estate in fee simple in the land described in the Schedule to this Act, which is situated within the City of Manukau: And whereas the Association is a duly constituted society pursuant to the Agricultural and Pastoral Societies Act 1908: And whereas the Manukau City Council desires to acquire the said land for recreational sport, parkland, and other purposes: And whereas the Association holds the land subject to the provisions of that Act which prohibits the intended sale of the land to the Council: And whereas
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20 at the annual general meeting of the Association held in Clevedon on the 5th day of July 1989 the Association resolved to apply for legislative authority to enable the Association to transfer the land to the Council on the

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condition that the Association will continue to have the use thereof for a number of days each year without charge: And whereas the Association wishes to invest the proceeds of the sale of the land subject to certain restrictions: And whereas by virtue of section 7 of that Act the requisite authority enabling the Association to dispose of the proceeds of the sale of the land as it desires is attainable only by legislation: 5

BE IT THEREFORE ENACTED by the Parliament of New Zealand as follows: 10

1. Short Title and commencement—(1) This Act may be cited as the Clevedon Agricultural and Pastoral Association Empowering Act 1993.

(2) This Act shall come into force on the date on which it receives the Royal assent. 15

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

“Association” means the Clevedon Agricultural and Pastoral Association Incorporated:

“Council” means the Manukau City Council: 20

“The land” means the land described in the Schedule to this Act:

“Leased land” means that portion of the land to be subdivided from the land and leased pursuant to section 4 (2) of this Act: 25

“The showground” means the balance of the land excluding the leased land.

3. Sale of land—Notwithstanding the provisions of section 7 of the Agricultural and Pastoral Societies Act 1908 or the rules of the Association, but subject to the provisions of this Act, the Association is hereby empowered to, and shall without undue delay after the commencement of this Act, sell and transfer the land free of all encumbrances and charges to the Council as a recreation reserve under the Reserves Act 1977 for a consideration of \$275,000. 30 35

4. Use of reserve—(1) Without undue delay after obtaining title to the land, the Council shall subdivide the land to create a lot of 5,000 square metres, more or less, to be the leased land, and shall deposit the survey plan of subdivision in the Land Transfer Office at Auckland. 40

5 (2) Forthwith upon receipt of notice of the deposit of that survey plan of subdivision the Council shall grant to the Association a lease of the leased land pursuant to section 54 (1) (c) of the Reserves Act 1977; and the lease shall be in accordance with the First Schedule to the Reserves Act 1977 for leases pursuant to that section and providing for—

- (a) A term of 15 years from the date of deposit of that survey plan;
- 10 (b) One right of renewal for 15 years; and
- (c) An initial rental of 10 cents per annum; and
- (d) Rent reviews every 5 years; and
- (e) An obligation on the lessee to expend a substantial sum of money on the leased land during the term of the lease as required by Section 54 (1) (c) of the Reserves Act 1977; and
- 15 (f) Such other terms and conditions as the Council would customarily include in leases of recreation reserve for similar purposes.

20 (3) Notwithstanding section 53 of the Reserves Act 1977—

- (a) The Council is hereby authorised to and shall, if it receives not less than 3 months' notice of the Association's requirement, grant to the Association the exclusive use of the showground and all buildings thereon free of charge in all respects for up to 10 days in each calendar year for the purpose of conducting its annual show; and the Council shall also grant to the Association the exclusive use of the showground free of charge in all respects for the purpose of conducting such livestock fairs as may be approved by the Council;
- 25 (b) The Association shall be entitled to make such charges as it thinks fit to exhibitors and members of the public for use of or entry to the showground during such periods as it has such exclusive use of the showground;
- 30 (c) The Association shall be entitled to access to the showground for a reasonable number of days before and after its show and fairs for the purpose of the preparation for and termination thereof.
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40 **5. Farm land**—For the purposes of the Land Settlement Promotion and Land Acquisition Act 1952 the land is deemed not to be farm land.

6. Investments—Notwithstanding the provisions of section 7 of the Agricultural and Pastoral Societies Act 1908 and of section 3 of the Agricultural and Pastoral Societies Amendment Act 1912, the Association may apply the purchase money received by the Association from the Council on the sale of the showground to the Council in the following manner: 5

- (a) The repayment and satisfaction of the Association's current debts and liabilities, whether secured or unsecured:
- (b) In establishing a capital reserve fund from which any money from time to time available for investment may be invested by the Association in any type of investment from time to time authorised for the investment of trust funds: 10
- (c) The expenditure from the capital reserve fund of money for the erection of buildings for use by the Association: 15
- (d) The expenditure of the income received from the capital reserve fund for carrying out, where necessary, the maintenance of all buildings, grandstands, and stockyards owned by the Association, if the expenditure is of a capital or maintenance nature: 20
- (e) The carrying out of the objects of the Association as set out in section 10 of the Agricultural and Pastoral Societies Act 1908: 25
- (f) The purchase of other land suitable for the purposes of the Association.

7. Private Act—This Act is hereby declared to be a private Act.

Section 2

SCHEDULE

All of that parcel of land situated in the North Auckland Land Registration District containing 7.9037 hectares, more or less, being part of Allotment 3 of the Parish of Wairoa, and also being all of the land comprised and described in certificate of title, Volume 585, folio 203 (Auckland Registry) limited as to parcels.