

## LOCAL GOVERNMENT AMENDMENT BILL

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### EXPLANATORY NOTE

THIS Bill amends the Local Government Act 1974.

*Clause 1* relates to the Short Title.

*Clause 2* amends section 306 of the principal Act which prohibits the depositing of survey plans, the transfer, conveyance, or lease of any land, or the issue of a certificate of title in respect of a subdivision unless certain conditions have been met. The amendment relates to a certificate by the council that the survey plan complies with the district scheme or meets other criteria. The specific changes are:

- (i) Where there was no proposed or operative district scheme at the date of approval of the scheme plan, the survey plan must have been approved within 3 years before the date of the certificate by the council, or such extended period as the council may have allowed. At present, the corresponding provision refers to the scheme plan being in accordance with recognised principles of town and country planning at the time of the approval of the scheme plan.
- (ii) The council will be able to certify that the survey plan is in accordance with a proposed district scheme where there is no operative district scheme.
- (iii) The council will be able to certify that the survey plan is in accordance with a proposed new district scheme.
- (iv) The council will be able to certify that the plan is in accordance with consents granted under Part II or Part IV of the Town and Country Planning Act 1977. Part II of that Act relates to consents where there is no operative district scheme, and Part IV relates to conditional uses, specified departures, and various other consents, dispensations, and waivers. At present the corresponding provision is limited to specified departures under section 74 of that Act.

*Clause 3* relates to the issue of a certificate of title for a separate allotment or a plan of subdivision once the District Land Registrar is satisfied that the appropriate conditions have been met. The amendment relates to the certificate to be given by the council and the changes are similar to those set out above in relation to *clause 2* of this Bill.

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*Hon. Mr Highet*

## LOCAL GOVERNMENT AMENDMENT

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### ANALYSIS

Title  
1. Short Title

2. Certificate by council on survey plan of  
subdivision  
3. Issue of certificate of title relating to  
subdivision

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### A BILL INTITULED

#### **An Act to amend the Local Government Act 1974**

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

**1. Short Title**—This Act may be cited as the Local  
Government Amendment Act 1982, and shall be read  
together with and deemed part of the Local Government Act  
1974\* (hereinafter referred to as the principal Act).

10 **2. Certificate by council on survey plan of subdivi-  
sion**—(1) Section 306 (1) of the principal Act (as enacted by  
section 2 of the Local Government Amendment Act 1978) is  
hereby amended by repealing paragraph (g) (as substituted  
by section 34 of the Local Government Amendment Act  
15 1980), and substituting the following paragraph:

\*R.S. Vol. 5, p. 77

Amendments: 1980, No. 82; 1981, Nos. 13, 111

“(g) The council has certified on the plan—

“(i) That there was no proposed district scheme or operative district scheme in existence at the date of approval of the scheme plan, and that the council had approved the survey plan within 3 years before the date of the certificate or such extended period as the council may have allowed under section 305 (4) of this Act; or 5

“(ii) That there is no operative district scheme, and that the survey plan is in accordance with the requirements and provisions of the proposed district scheme; or 10

“(iii) That the survey plan is in accordance with the requirements and provisions of the operative district scheme or the proposed new district scheme; or 15

“(iv) That the survey plan was in accordance with the requirements and provisions of the operative district scheme that was in force at the date of approval of the scheme plan; or 20

“(v) That the survey plan is in accordance with a consent or consents granted under Part II or Part IV of the Town and Country Planning Act 1977.”

(2) Section 34 of the Local Government Amendment Act 1980, and section 15 of the Local Government Amendment Act (No. 2) 1981 are hereby consequentially repealed. 25

**3. Issue of certificate of title relating to subdivision—**

(1) Section 312 (2) of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1978) is hereby amended by repealing paragraph (f) (as substituted by section 36 of the Local Government Amendment Act 1980), and substituting the following paragraph: 30

“(f) The council has certified on the plan or a copy of the plan—

“(i) That there was no proposed district scheme or operative district scheme in existence at the date of approval of the scheme plan, and that the council had approved the survey plan within 3 years before the date of the certificate or such extended period as the council may have allowed under section 305 (4) of this Act; or 35 40

“(ii) That there is no operative scheme, and that the allotment is in accordance with the requirements and provisions of the proposed district scheme; or

5       “(iii) That the allotment is in accordance with the requirements and provisions of the operative district scheme or the proposed new district scheme; or

10       “(iv) That the allotment was in accordance with the requirements and provisions of the operative district scheme that was in force at the date of approval of the scheme plan; or

15       “(v) That the issue of the certificate of title is authorised by a consent granted under Part II or Part IV of the Town and Country Planning Act 1977.”

(2) Section 36 of the Local Government Amendment Act 1980, and section 16 of the Local Government Amendment Act (No. 2) 1981 are hereby consequentially repealed.