

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE HOUSE]

House of Representatives, 27 November 1980.

Words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line.

Hon. Mr Hight

LOCAL LEGISLATION

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A BILL INTITULED

An Act to confer certain powers on certain public bodies and to authorise and validate certain transactions and other matters

5 BE IT 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 Local Legislation Act 1980.

10 *City and Borough Councils*

2. Hamilton City Council; Validating illegal sales of land—(1) Notwithstanding that they were without the consent of the Minister of Local Government required by

No. 92—2

section 150 (4) of the Municipal Corporations Act 1954, the actions of the Hamilton City Council in entering, as the Mayor, Councillors, and Citizens of the City of Hamilton, into—

- (a) An agreement dated the 28th day of November 1973 5
for the sale of the municipal endowment described
in subsection (3) (a) of this section to Hadley and
De Luen Limited; and
- (b) An agreement dated the 18th day of June 1975 for 10
the sale of the municipal endowment described in
subsection (3) (b) of this section to G. R. Heappey
Limited— 10

are hereby validated and deemed to have been lawful; and the agreements for the sale of those municipal endowments (hereafter in this section together referred to as the said endowments) are hereby validated and deemed to have been lawful. 15

(2) The proceeds from the sale of the said endowments shall be invested—

- (a) In other land; or 20
 - (b) In securities of other local authorities; or
 - (c) On deposit with the National Provident Fund or any bank; or
 - (d) In first mortgage loans for staff housing— 25
- so as to preserve the endowment.

(3) The said endowments comprise—

- (a) The land comprising approximately 928 m², being Lot 15, D.P. 10808, and being all the land comprised and described in certificate of title No. 618/14 (South Auckland Registry); and 30
- (b) The land comprising approximately 669 m², being Lot 1, D.P. 32977, and being all the land comprised and described in certificates of title Nos. 22B/372, 22B/373, and 22B/374 (South Auckland Registry).

3. Patea Borough Council: Authorising expenditure of money held in Reserves Realization Fund on upgrading of swimming baths—Notwithstanding anything in section 4 (2) of the Patea Borough Council Empowering Act 1930, the Patea Borough Council may, out of its Reserves Realization Fund, expend such sum or sums as it thinks fit (not exceeding \$12,000 in the aggregate) towards the improvement of its swimming baths and the building of a learners' swimming pool. 35 40

4. Patea Borough Council: Validating excessive rate—
Notwithstanding that the general rate on the land value of all rateable property in the Borough of Patea of 13.39 cents per dollar, resolved to be made and levied in respect of the year
5 that ended with the 31st day of March 1979 by the Patea Borough Council at a duly notified meeting held on the 30th day of May 1978, was invalid by virtue of its exceeding the limit imposed by section 136 of the Local Government Act 1974—

- 10 (a) The said rate is hereby validated and deemed to have lawfully made:
(b) All actions of the said Council in levying and collecting the said rate are hereby validated and deemed to have been lawful:
15 (c) All money received by the said Council in payment of the said rate is hereby deemed to have been lawfully paid to and received by it:
(d) Such part of the said rate as has not yet been paid to
20 the said Council is hereby deemed to be lawfully payable, and capable of being collected as if it had always been lawfully payable.

5. Petone Borough Council: Validating unlawful leases—
(1) Notwithstanding section 10 of the Petone and Hutt Corporations Empowering Act 1905,—

- 25 (a) Every purported lease of a site on the beach (within the meaning of that Act) before the commencement of this Act granted by the Petone Borough Council (hereafter in this section referred to as the Council),
30 whether under that name or as the Mayor, Councillors, and Burgesses of the Borough of Petone or the Mayor, Councillors, and Citizens of the Borough of Petone, is hereby validated and deemed to be lawful according to its tenor.
(b) All actions of the Council in granting any such lease
35 so granted are hereby validated and deemed to be lawful:
(c) All rent received by the Council under any such lease so granted is hereby deemed to have been lawfully paid to and received by it:
40 (d) Such rent payable under any such lease so granted as has not before the commencement of this Act been paid to the Council is hereby deemed to be lawfully payable, and capable of being collected as if it has always been lawfully payable:

- (e) Such rent as on or after the commencement of this Act becomes payable to the Council under any such lease so granted is hereby declared to be lawfully payable to the Council, and capable of being collected accordingly. 5
- (2) Part II of the Petone and Hutt Corporations Empowering Act is hereby repealed.

County Councils

6. Golden Bay County Council: Authorising grant towards gymnasium—(1) Notwithstanding that it is not otherwise authorised to do so, but subject to subsection (2) of this section, the Golden Bay County Council is hereby authorised and empowered to pay to the Nelson Education Board out of its Land Subdivision Reserve Fund Account such sum or sums (not exceeding in the aggregate \$15,000) as the said Council thinks fit towards the cost of constructing a gymnasium at Golden Bay High School; and the said Board shall hold and apply all such sums for that purpose. 10 15

- (2) The said Council shall not so pay any such sum until—
- (a) It has been granted by the said Board a licence under section 6A of the Education Lands Act 1949 to use the said gymnasium and its ancillary facilities; and 20
- (b) The Minister of Recreation and Sport has notified the said Council in writing that he is satisfied that the licence so granted provides for the reasonable use by members of the public of the said gymnasium and its ancillary facilities. 25

(3) Notwithstanding subsection (1) of this section, the receipt of the Secretary for the time being of the said Board shall be a full and sufficient discharge to the said Council for any such sum, and the said Council shall not be obliged to see to its application. 30

New

6A. Southland County: Redefinition of boundaries—

(1) Subject to subsection (2) of this section, the boundaries of the County of Southland are hereby declared to be those specified in the Schedule to this Act. 35

(2) The said boundaries may from time to time be redefined, amended, or altered, pursuant to the Local Government Act 1974. 40

7. Taranaki County Council: Stopping of street and re-vesting in subdividers—(1) Notwithstanding that the parcels of land respectively marked “A”, “B”, and “C” on S.O. Plan 11523 held in the office of the Chief Surveyor at New Plymouth (hereafter in this section referred to as the said parcels) may be legal road vested in the Taranaki County Council (hereinafter in this section referred to as the Council),—

- 5
- 10 (a) The owners for the time being of the land described in subsection (3) of this section (hereafter in this section referred to as the said land) are hereby authorised and empowered to prepare and lodge for registration with the District Land Registrar of the Taranaki Land Registration District a memo-
- 15 randum of transfer granting an easement in favour of the New Plymouth City Council over the said parcels in respect of the watermain constructed under the said parcels, to the same extent and in the same manner as if those owners were the registered proprietors of the said parcels; and
- 20 (b) Upon the presentation for registration of such a memorandum, the said District Land Registrar shall, if—
- (i) There is executed upon it the approval of the New Plymouth City Council; and
- 25 (ii) In his opinion, it would in all respects be in order for registration if the owners for the time being of the said land were the registered proprietors of the said parcels,—
- register that memorandum; and
- 30 (c) Upon the registration of such an easement,—
- (i) The said parcels shall thereupon be deemed to have been stopped; and
- (ii) Of the said parcels, those marked “A” and “C” shall vest in the persons then registered as proprietors of the land described in subsection (3) (a) of this section; and
- 35 (iii) The other of the said parcels shall vest in the persons then registered as proprietors of the land described in subsection (3) (b) of this section; and
- 40 (iv) Section 308 of the Local Government Act 1974 shall, so far as it is applicable and with any necessary modifications, apply to all the land described in subparagraph (ii) of this paragraph and to all the land in subparagraph (iii) of this
- 45

paragraph as if in each case the said S.O. Plan 11523 were a scheme plan that the Council has under section 279 (2) (b) of that Act approved subject to a condition that one certificate of title be issued for all that land; and 5

(v) The bond dated the 8th day of September 1976 between the Chairman, Councillors, and inhabitants of the County of Taranaki of the first part, and Bruce Henderson and Keith McDonald Okey of the second part, and The New Zealand Insurance Company Limited of the third part shall be deemed to have been satisfied in its entirety. 10

(2) Except as expressly provided in subsection (1) of this section, nothing in that subsection shall operate to limit or affect any powers of the Council in respect of the said parcels, the said land, any other land, any scheme plan, or any bond, deed of covenant, or memorandum of encumbrance. 15

(3) The said land comprises—

(a) That parcel of land situated in Block IV Paritutu Survey District containing approximately 2.4302 hectares, being part of Lot 3 D.P. 12115, and being the residue of the land comprised and described in Certificate of Title No. D 4/1338 (Taranaki Registry); and 20

(b) That parcel of land situated in Block IV Paritutu Survey District containing approximately 7.6858 hectares, being Lot 1 D.P. 12115, and being all the land comprised and described in Certificate of Title No. D4/1336 (Taranaki Registry). 25

8. Waihemo County Council: Validating unlawful actions with regard to rural water schemes—The special orders made on the 23rd day of June 1980 under section 423 of the Local Government Act 1974 by the Waihemo County Council constituting the Goodwood Water Race Area, the Dunback Water Race Area, and the Stoneburn Water Race Area are hereby deemed to have been made by the said Council under section 47 of the Counties Amendment Act 1961 on the 1st day of April 1962, the 1st day of April 1966, and the 1st day of April 1979, respectively. 30 35

Harbour Board

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9. Wellington Harbour Board: Validating unlawful lease—(1) Notwithstanding that they were contrary to section 5 of the Wellington Harbour Board and Corporation Land

Act 1880 and to the Public Bodies Leases Act 1969, the actions of the Wellington Harbour Board in entering into the lease to the Wellington City Council, made on the 26th day of March 1980, of the land described in subsection (2) of this section are hereby validated and deemed to have been lawful; and that lease is hereby deemed to be valid and lawful according to its tenor.

(2) The said land comprises that parcel of land situated in the City of Wellington containing approximately 598 m², being Lot 1 D.P. 11079, and being all the land comprised and described in Certificate of Title, Volume 451, folio 274 (Wellington Registry).

(3) Section 59 of the Local Legislation Act 1936 is hereby repealed.

15 10. Wellington Harbour Board: Authorising lease of part of wharf—(1) Notwithstanding that the land described in subsection (2) of this section (hereafter in this section referred to as the said land), or any part of it, may at any time be defined as wharf under section 190 of the Harbours Act 1950, the Wellington Harbour Board is hereby authorised and empowered from time to time to lease all or any part of the said land under section 144 of that Act.

(2) The said land comprises the parcels of land situated in the City of Wellington containing—

- 25** (a) First, approximately 4464 m², being the land shown edged blue on plan No. WHB 6874 held by the Wellington Harbour Board, and being part Block VII Port Nicholson Survey District, and being all the land comprised and described in Certificate of Title, Volume 480, folio 155 (Wellington Registry);
- 30** and
- 35** (b) Secondly, approximately 4.48 hectares, being the land shown edged orange on Plan MD 15693 held in the head office of the Ministry of Transport at Wellington, and being the land shown on SO Plan 31852 and thereon marked "B".

New

SCHEDULE

Section 6A

BOUNDARIES OF THE COUNTY OF SOUTHLAND

ALL that area in the Southland and Otago Land Districts, containing 9577 square kilometres, more or less, bounded by a line commencing at the old mouth of the Waimatuku Stream on the western boundary of Block XIX, New River Hundred, and proceeding northwesterly and southeasterly up the middle of the old Waimatuku Stream to a point in line with the middle of a channel through part Section 2A and section 1A, Block XIX, New River Hundred, approximately 350 metres southeast of the westernmost corner of the said part Section 2A; thence northwesterly to and along the middle of that channel on a bearing of $352^{\circ} 45'$ to the middle of the Waimatuku Stream; thence northerly up the middle of the said stream to a point in line with the middle of the channel which follows the southeastern boundary of Section 10, Block XIX, New River Hundred; thence northeasterly to and along the middle of that channel on a bearing of $23^{\circ} 30'$ to the middle of the Waimatuku Stream thence generally northerly along the middle of that stream to the middle of the Fairfax-Isla Bank Road; thence easterly along the middle of that road and its production to the middle of Boundary Road; thence northerly along the middle of that road to a point in line with a line 10.06 metres east of and parallel to the western boundary of Section 268, Block III, Oreti Hundred; thence to and along that line to its intersection with a line 10.06 metres south of and parallel to the northern boundary of Section 268 aforesaid; thence easterly along that line and its production to its intersection with a line 10.06 metres west of the eastern boundary of Section 269 aforesaid; thence northerly along that line and its production to the middle of Boundary Road; thence northerly along the middle of that road to a point in line with the southern boundary of part Lot 19B, L.T. Plan 245; thence easterly to and along the southern boundaries of that part Lot 19B and Lots 17, 16, and 15, D.P. 207 and the production of the last-mentioned boundary to the middle of a public road forming the eastern boundary of Lot 15; D.P. 207; thence northerly along the middle of that road and Hamilton Road and its production to the middle of Mayfield Road; thence easterly and northeasterly along the middle of Mayfield Road and its production to the middle of No. 96 State Highway; thence northwesterly along the middle of the said State Highway to the middle of Hundred Line Road; thence easterly along the middle of the said road to a point in line with the western boundary of Section 334, Block XL, Taringatura Survey District; thence northerly to and along that boundary and the western boundary of part Section 335, Block XL, aforesaid and the production of the last-mentioned boundary to the northern side of Looney Road; thence northerly along the western boundaries of Sections 346 and 345, Block XL, aforesaid and Sections 344, 197, and 198, Block XXXV, Taringatura Survey District and the production of the last-mentioned boundary to the northern side of Harbour Endowment Road; thence northerly along the western boundary of Section 198, aforesaid, and its production to the northern side of a public road being the southernmost corner of Section 518, Block XXXIII, Taringatura Survey

*New*SCHEDULE—*continued*

District; thence northerly along the western boundary of Section 518, aforesaid, and Sections 495 and 501, Block XXXIII, Taringatura Survey District, and Section 500, Block XXVIII, Taringatura Survey District to the northwestern corner of the said Section 500; thence due north to a point in line with the southern boundary of Section 434, Block XXIX, Taringatura Survey District; thence due east to the southwestern corner of Section 434, aforesaid; thence generally northerly along the western boundaries of the said Section 434 and Section 430 and part Section 429, Block XXIII, aforesaid to the northwestern corner of the said part Section 429; thence easterly along the southern boundaries of Section 489 and part Section 186, Block XVIII, Taringatura Survey District, Lot 1, D.P. 4891 and Section 261, Block XIX, Taringatura Survey District, and the production of the last-mentioned boundary to the eastern side of the Hamilton Burn-Dipton Road; thence easterly along the northern boundary of Section 426, Block XIX, Taringatura Survey District and its production to and along the northern boundary of part Section 427 aforesaid; thence easterly along a right line to the northwestern corner of Lot 15, D.P. 51; thence easterly along the northern boundary of that lot, to and along the northern side of Boundary Road and its production to the middle of the Oreti River; thence generally northerly up the middle of that river to a point due west of Trig. I (Hummock Peak), Block XV, Mavora Survey District; thence due east to Trig. I, aforesaid; thence southeasterly along a right line to Jane Peak, Block VI, Blackhill Survey District, thence easterly along a right line to Eyre Peak, Block XX, Eyre Survey District; thence on a bearing of 160° to the middle of a tributary of the Mataura River; thence generally southeasterly down the middle of that tributary to and down the middle of the Matura River to a point in line with the northwestern boundary of part Section 4, Block III, Nokomai Survey District; thence northeasterly to and along that boundary and its production to and along the southeastern boundary of Section 8, Block III, Nokomai Survey District to Trig. I, Block III, aforesaid; thence northeasterly along right lines passing through Trigs. E and C, Block IV, aforesaid and Trigs GS and D, Block VII, Nokomai Survey District to the summit of the summit of the Slate Range; thence northerly generally along that summit and the summit of the Hector Mountains to Lorn Peak; Block VIII, Kingston Survey District; thence southeasterly along a right line to Trig. I (Rocky Mount), Obelisk Survey District; thence due east to the summit of the Old Man Range; thence generally southwesterly along the summit of the Old Man Range and the Umbrella Mountains to Trig. K (Black Umbrella), Block XII, Greenvale Survey District; thence due south to the southern boundary of Section 27, Block XII, Greenvale Survey District; thence southeasterly generally along the southern boundary of that section to road corner peg LV, S.O. Plan 570 on the northeastern side of old Switzers Road; thence due east to the middle of the westernmost tributary of the Leithen Burn; thence southeasterly generally down the middle of that tributary and the middle of the Leithen Burn to a point in line with the eastern boundary of Chatton Survey District; thence southerly to and along

New

SCHEDULE—*continued*

that boundary to the northern boundary of the Waikaka Survey District; thence easterly and southerly along the northern and eastern boundaries of the Waikaka Survey District to the northern side of a public road forming the southern boundary of part Section 34, Block IX, Waikaka Survey District; thence easterly along the northern side of that road and its production to the middle of the Waipahi River; thence southerly along the middle of that river to a point in line with the western boundary of Section 28, Block V, Waipahi Survey District; thence southerly to and along that boundary to the eastern side of a public road forming the eastern boundary of Section 24, Block XII, Waipahi Survey District; thence along a bearing of $246^{\circ} 47'$ to the middle of that road; thence generally southerly along the middle of that road and the middle of Hurst Road to a point in line with a line 10.06 metres north of and parallel to the northern boundary of part Lot 2, D.P. 4568; thence easterly to and along that line and its production to a point in line with a line 10.06 metres east of and parallel to the eastern boundary of part Lot 2, D.P. 4568; thence to and along that line and its production to the middle of Hurst Road, thence southeasterly generally along the middle of Hurst Road and the middle of a public road forming the eastern boundaries of Lot 1, D.P. 4568 and Section 12, Block II, Slopedown Survey District, and the northern boundary of Section 2, Block VI, Slopedown Survey District to a point in line with the eastern boundary of Section 2, aforesaid; thence southerly and southwesterly to and along the eastern and southeastern boundaries of that Section 2 and southwesterly along the southeastern boundary of Section 3, Block VI, Slopedown Survey District to the northeastern boundary of Run 620, Block VI, Slopedown Survey District; thence generally southerly along the eastern boundaries of Run 620, aforesaid, and State Forest (*New Zealand Gazette*, 1933, p. 2123) to the northwestern corner of Lot 7, D.P. 3410; thence southwesterly along the northwestern boundary of Lot 7, aforesaid, to a point in line with the northeastern boundary of Section 6, Block VII, Slopedown Survey District; thence southwesterly and southerly to and along the northwestern and western boundaries of Section 6, aforesaid, and the production of the last-mentioned boundary to the middle of the Mokoreta River; thence southwesterly down the middle of that river to a point in line with the eastern boundary of Section 16, Block VI, Mokoreta Survey District; thence southerly and southeasterly to and along the eastern and northeastern boundaries of Section 16, aforesaid, and the production of the last-mentioned boundary to the eastern side of the Wyndham Station to Clinton Road; thence southeasterly along the northeastern boundary of Section 21, Block VI, Mokoreta Survey District to its easternmost corner; thence southwesterly along a right line to Trig. H (The Chimney), Block VI, Mokoreta Survey District; thence generally southerly along the watershed passing through Trig. G (Mouse Back), Trig. S (Bleak Hill), and Mount Alfred, Block VI, Mokoreta Survey District, Table Ridge, Block XI Mokoreta Survey District to Trig. EE, Block XIV, Mokoreta Survey District; thence due south to the northern boundary of a road forming the southern boundary of Section 12, Block XIV, Mokoreta Survey District; thence generally southeasterly along that road boundary to the eastern boundary of Moko-

*New*SCHEDULE—*continued*

reta Survey District; thence southerly, easterly and again southerly along the eastern boundary of Mokoreta Survey District and the northern and eastern boundaries of Waikawa Survey District to the northern side of No. 92 State Highway; thence easterly along the northern side of the said State Highway to the middle of Longbeach Creek; thence generally southeasterly down the middle of that creek to the sea, thence generally westerly along the sea coast crossing the mouths of all harbours and inlets, to the point of commencement, excluding therefrom the City of Invercargill as described in the *New Zealand Gazette*, 1974, p. 335, the Boroughs of Bluff as described in *New Zealand Gazette*, 1964, p. 97, Winton as described in *New Zealand Gazette*, 1968, p. 383, Gore as described in *New Zealand Gazette*, 1964, p. 972, and Mātaura as described in *New Zealand Gazette*, 1926, p. 393.