

## LOCAL LEGISLATION BILL (NO. 2)

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### EXPLANATORY NOTE

*Clause 1* relates to the Short Title.

*Clause 2* relates to the boundaries of the inner and outer areas of the Auckland Metropolitan Drainage District. Certain boundary changes were proposed in early 1985, and the Auckland Regional Authority, the Manukau City Council, and the Waitemata City Council all arranged their affairs on the basis that those changes would be effected by 1 April 1985. The changes were not made until 18 November 1985 and consequently some annual assessments and rates were invalid.

The clause deems all actions taken to be as valid as they would be if the changes had been effected on 1 April 1985.

*Clause 3* relates to the recreation centre proposed to be erected, to commemorate the centenary of local government in Cambridge, on land owned by the Cambridge Borough Council in Dominion Avenue, Cambridge.

*Subclauses (1) and (2)* authorise the Council to lease the land to the Cambridge Recreational Trust Inc., if satisfied that the lease provides for reasonable access by the public.

*Subclause (3)* authorises the Council to refund to its Reserves Purchase and Development Account the purchase price of the land.

*Subclause (4)* authorises the Council to pay up to \$600,000 to the Trust towards the cost of erecting a recreational centre on the land.

*Clause 4* validates a refuse collection charge made by the Ohakune Borough Council in respect of the 1983-84 year. The charge was invalid because it was \$9 for dwellings and \$50 for other occupied properties, and section 163 of the Local Government Act 1974, which authorises the making and levying of annual refuse charges, requires such charges to be uniform.

*Clause 5* empowers the Wellington Harbour Board to sell certain land at Worsler Bay. The land was vested in the Board by Act in 1880, for use as a Pilot Station. Since 1912 the land has not been needed for that purpose, and the Board has had unrestricted power to lease it but not to sell it. All the land is now leased for residential purposes. The clause will enable lessees to freehold their properties.

*Hon. Dr Michael Bassett*

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### ANALYSIS

Title	3. Cambridge Borough Council: Centennial recreation centre
1. Short Title	4. Ohakune Borough Council: Validating refuse removal charge
2. Auckland Metropolitan Drainage District: Validating invalid rates	5. Wellington Harbour Board: Authorising sale of land

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### A BILL INTITULED

#### **An Act to confer 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 (No. 2) 1985.

10 **2. Auckland Metropolitan Drainage District: Validating invalid rates**—All actions of—

(a) The Auckland Regional Authority in calculating and arriving at, levying, and collecting annual assessments, and any interest payable in respect of  
15 annual assessments; and

(b) The Manukau City Council and the Waitemata City Council, in relation to the resolving to make and levy, making, levying, and collecting rates,—

are hereby deemed to be as valid and effectual as if the Auckland Metropolitan Drainage District Order (No. 3) 1985\* had come into force on the 1st day of April 1985; and the legality of the payment and receipt of assessments, interest, and rates before the commencement of this Act, and of actions taken in respect of the collection of assessments, interest, and rates after that commencement, shall be determined accordingly. 5

\*Gazette 1985, p.5374

**3. Cambridge Borough Council: Centennial recreation centre**—(1) Notwithstanding anything in the Public Bodies Leases Act 1969, but subject to **subsection (2)** of this section, the Cambridge Borough Council is hereby authorised and empowered to lease to the Cambridge Recreational Trust Inc., at such rent, and upon and subject to such terms and conditions as the said Council thinks fit, the land described in **subsection (5)** of this section. 10 15

(2) The said Council shall not grant any such lease unless satisfied that it provides for the reasonable use by members of the public of any facilities erected or proposed to be erected on the said land. 20

(3) The said Council is hereby authorised and empowered to pay out of its Land Salés (Endowment) Account to its Reserves Purchase and Development Account the sum of \$49,702.25 (being the amount paid by the said Council in acquiring the said land). 25

(4) Notwithstanding that the said Council is not otherwise authorised to do so, the said Council is hereby authorised and empowered to pay to the said Trust out of either of those accounts, or partly out of one and partly out of the other of them, any sum or sums (not exceeding \$600,000 in the aggregate) the said Council thinks fit towards the cost of erecting a recreational centre on the said land; and the said Trust shall hold and apply all such sums for that purpose. 30

(5) The said land comprises all those parcels of land situated in the Borough of Cambridge comprising: 35

- (a) First, 7556.18 m<sup>2</sup>, more or less, being Lots 8, 9, 10, 11, 12, 13, and 14, D.P. 16113, and being the residue of the land comprised and described in certificate of title No. 1112/194 (South Auckland Registry); and
- (b) Secondly, 4527.36 m<sup>2</sup>, more or less, being Allotment 5, Town of Cambridge East, and being all the land comprised and described in certificate of title No. 1951/425 (South Auckland Registry). 40

**4. Ohakune Borough Council: Validating refuse removal charge**—Notwithstanding that the refuse removal charge of \$9 per dwelling, and \$50 per other occupied property, serviced by the Ohakune Borough Council refuse collection resolved to

5 be made and levied in respect of the year that ended with the 31st day of March 1984 by the Ohakune Borough Council at a duly notified meeting held on the 19th day of May 1983 was invalid by virtue of its not being uniform as required by section 163 of the Local Government Act 1974,—

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

**5. Wellington Harbour Board: Authorising sale of land—**

(1) Notwithstanding anything in section 5 of the Wellington Harbour Board and Corporation Land Act, 1880 or in sections

25 143A to 143C of the Harbours Act 1950, the Wellington Harbour Board is hereby authorised and empowered to sell by private treaty, without the consent of the Minister of Transport, any part of the land described in **subsection (5)** of this section to any person who is a lessee from the said Board

30 of that part of that land.

(2) Notwithstanding the said section 5, but subject to the said sections 143A to 143C, the said Board is hereby authorised and empowered to sell any part of the said land to any other person.

35 (3) The registration of any person other than the said Board as proprietor of an estate in fee simple of any part of the said land shall free that part of the said land from all trusts, reservations, and restrictions imposed on it by the said section 5.

40 (4) Upon the registration of any person other than the said Board as proprietor of an estate in fee simple of any part of the said land, the District Land Registrar of the Wellington Land Registry shall take all such steps, and make all such entries in the registers, as are necessary to give effect to **subsection (3)**

45 of this section in relation to that part.

(5) The said land comprises all those parcels of land situated in the City of Wellington, being part of Section 8, Watts Peninsula District, containing—

- (a) First, 2435 m<sup>2</sup>, more or less, being Lots 1, 2, 3, 4, and 5, D.P. 2851, and being all the land comprised and described in certificate of title No. D2/392 (Wellington Registry); and 5
- (b) Secondly, 2107 m<sup>2</sup>, more or less, being Lots 6, 7, 8, 9, and 10, D.P. 2851, and being all the land comprised and described in certificate of title D2/393 (Wellington Registry); and 10
- (c) Thirdly, 2701 m<sup>2</sup>, more or less, being Lots 11, 14, and 15, D.P. 2851, and being all the land comprised and described in certificate of title D1/614 (Wellington Registry); and 15
- (d) Fourthly, 6095 m<sup>2</sup>, more or less, comprising—
  - (i) First, 220 m<sup>2</sup>, more or less, being Lots 12 and 13, D.P. 2851; and
  - (ii) Secondly, 2254 m<sup>2</sup>, more or less, being Lots 16 and 18, D.P. 5112; and 20
  - (iii) Thirdly, 1591 m<sup>2</sup>, more or less, being part Lot 17, D.P. 5112; and
  - (iv) Fourthly, 50 m<sup>2</sup>, more or less, being sections 101 and 102, Watts Peninsula District,—
 being parts of the land comprised and described in certificate of title No. C2/322 (Wellington Registry). 25