

[AS REPORTED FROM THE INTERNAL AFFAIRS AND LOCAL  
GOVERNMENT COMMITTEE]

*House of Representatives, 20 September 1989.*

Words struck out are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a single rule, or with single rule before first line and after last line.

*Mr Braybrooke*

**NAPIER CITY COUNCIL (LAND) EMPOWERING**

**[LOCAL]**

ANALYSIS

Title	5. Powers of Board
1. Short Title	6. Public Bodies Leases Act 1969 not to apply
2. Interpretation	7. Powers of District Land Registrar Schedule
3. Certain Acts not to apply to certain land	
4. Powers of Council	

A BILL INTITULED

*Struck Out*

5 **An Act to empower the Napier City Council to facilitate the erection and provision of a hotel and conference centre on the Napier foreshore and to empower the Hawke's Bay Harbour Board to sell or lease to the Napier City Council certain land for that purpose**

No. 83—2

*Price*  
*incl. GST \$2.20*

*New*

**An Act to provide that certain land is to be held by the  
Napier City Council for general purposes and not for  
any particular purpose**

BE IT ENACTED by the Parliament of New Zealand as follows: 5

*Struck Out*

**1. Short Title**—This Act may be cited as the Napier City Council (Conference Hotel) Empowering Act 1988.

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

“Council” means the Napier City Council: 10  
“Board” means the Hawke’s Bay Harbour Board.

**3. Certain Acts not to apply to certain land**—It is hereby declared that such part or parts of the land described in the Schedule to this Act as are subject to the Napier Public Baths Act 1908 or the Napier Foreshore Act 1927 shall cease to be 15  
subject to those Acts.

**4. Powers of Council**—Notwithstanding anything in any other Act but subject to this Act and without limiting its powers under any other Act, the Council shall have the power to do all or any of the following things: 20

- (a) To purchase, take on lease, or otherwise acquire the land described in the Schedule to this Act at such price or rent, on such terms and conditions, and for such term (in the case of a lease) as the Council and the Board agree upon: 25
- (b) To erect, conduct, maintain, and improve on the said land a hotel, motel, conference rooms, conference facilities, or other accommodation facility, or any other building:
- (c) To provide in connection with such facilities such 30  
amenities, meals, refreshments, and entertainments for New Zealand residents and overseas visitors as the Council thinks fit:

*Struck Out*

- 10 (d) To dispose of by way of sale, lease, sublease, or otherwise all or any part of the said land or all or any part of any building on that land to any person on such terms and conditions and for such term as the Council thinks fit:
- 15 (e) To acquire by purchase, bailment, or otherwise any personal property, rights, or privileges that the Council considers necessary or desirable for the purposes of such facilities:
- (f) To dispose of by sale, bailment, or otherwise, or turn to account or otherwise deal with, any such personal property, rights, or privileges of the Council:
- 20 (g) To surrender or accept a surrender of any lease or sublease granted to or by the Council pursuant to this Act on such terms and conditions as it thinks fit:
- (h) To alter or reconstruct any such building or property:
- 25 (i) To apply for and be granted and hold, for the purposes of this Act, any hotel premises licence and any other kind of licence specified in section 54 of the Sale of Liquor Act 1962.

**5. Powers of Board**—(1) Notwithstanding anything in any other Act but subject to this Act and without limiting its powers under any other Act, the Board shall have the power to sell, lease, or otherwise dispose of, to the Council the land first and secondly described in the Schedule to this Act at such price or rent, on such terms and conditions, and for such term (in the case of a lease) as the Board and the Council agree upon.

35 (2) The Board may accept a surrender of any lease granted pursuant to this section on such terms and conditions as it thinks fit.

**6. Public Bodies Leases Act 1969 not to apply**—The Public Bodies Leases Act 1969 shall not apply to or in respect of any lease granted pursuant to this Act.

*New*

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**1. Short Title and commencement**—(1) This Act may be cited as the Napier City Council (Land) Empowering Act 1989.

## New

(2) This Act shall come into force on the 1st day of November 1989.

**2. Interpretation**—In this Act, unless the context otherwise requires, “Council” means the Napier City Council as constituted by clause 52 of the Local Government (Hawke’s Bay Region) Reorganisation Order 1989 (*Gazette*, 1989, Volume III, page 2334).

**3. Powers of Council in relation to certain land—**

- (1) Notwithstanding anything in— 10
- (a) The Napier Harbour Board Empowering and Loan Act 1884; or
  - (b) The Napier Public Baths Act 1908; or
  - (c) The Napier Foreshore Act 1927; or
  - (d) Clause 123 of the Local Government (Hawke’s Bay 15  
Region) Reorganisation Order 1989 (*Gazette*, 1989,  
Volume III, page 2334)—

for the purposes of section 572 of the Local Government Act 1974, so much of the land described in the Schedule to this Act as is for the time being vested in the Council shall be deemed to be held for the general purposes of the Council’s district and not for any particular purpose, except any part or parts of it set apart for a particular purpose, after the commencement of this Act, pursuant to any other enactment. 20

(2) All money received by the Council from the exercise of its powers under section 572 of the Local Government Act 1974 in respect of any land to which subsection (1) of this section applies, or in respect of any buildings situated on any such land, shall be credited to the Council’s general revenues. 25

**7. Powers of District Land Registrar**—The District Land Registrar for the Hawke’s Bay Land Registration District is hereby authorised and directed to make such entries in the Registrar’s registers and do all such other things as may be necessary to give effect to the provisions of this Act. 30

**SCHEDULE**

1. ALL that parcel of land situated in the Land Registration District of Hawke's Bay containing 1416 square metres, more or less, being Lot 1 on D.P. 2183; as shown marked E on S.O. plan 9657.

2. ALL those parcels of land situated in the Land Registration District of Hawke's Bay containing 2.0317 hectares, more or less, being part Lots 2, 4, and 6 on D.P. 6121, Lot 5 on D.P. 6121, and part Lot 1 on D.P. 11354; as shown marked D, F, G, H, and I on S.O. plan 9657.

3. ALL those parcels of land situated in the Land Registration District of Hawke's Bay containing 1617 square metres, more or less, being Lot 2 on D.P. 2183, part Lot 1 on D.P. 6121, and part Lot 3 on D.P. 6121; as shown marked A, B, and C on S.O. plan 9657.