

Mr Amos

**MANUKAU CITY (REGIONAL CENTRE)
EMPOWERING**

[LOCAL]

ANALYSIS

Title	6. Section 153 of the Municipal Corporations Act 1954 and sections 8 and 9 of the Public Bodies' Leases Act 1908 not to apply
Preamble	7. Authority to borrow money
1. Short Title	8. Proceeds of sale or lease of buildings
2. Interpretation	9. Section 104 of Local Authorities Loans Act 1956 not to apply
3. Power to acquire land for development	10. Power to make bylaws
4. Power to develop land and erect buildings thereon	11. Power to make provision in district scheme for development of Regional Centre
5. Power to sell and lease	12. Enactments not affected by this Act Schedules

A BILL INTITULED

5 An Act to authorise and empower the Manukau City Council to acquire certain lands within the City of Manukau, and to develop such lands and other lands of the Corporation as part of a Regional Centre (as hereinafter defined) for civic, cultural, community, commercial, industrial, and other purposes, and to raise loans for such purposes, and to sell or lease the lands so developed

10 WHEREAS the Manukau City Council is planning to develop as a City Centre (as hereinafter defined) the areas of land described in the Second Schedule to this Act, some of which

No. 43—1

Price 1s. (10c)

2 *Manukau City (Regional Centre) Empowering*

the said Council already owns and the balance of which it is now desirous of acquiring for development as aforesaid: And whereas it is intended that the proposed development should form and become part of a proposed Regional Centre to be developed by the said Council in accordance with a development plan which is to be incorporated with and which will become part of the said Council's district scheme under the Town and Country Planning Act 1953: And whereas the said Council is desirous that, after having developed the aforesaid areas and made provision for essential services therein or therefor, the said lands may be sold or leased in separate sites for civic, cultural, community, commercial, industrial, and other purposes: 5 10

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows: 15

1. Short Title—This Act may be cited as the Manukau City (Regional Centre) Empowering Act 1967.

2. Interpretation—In this Act, unless the context otherwise requires,— 20

“City” means the City of Manukau:

“City Centre” means the area of land which is more particularly described in the Second Schedule to this Act:

“Corporation” means the body corporate consisting of the Mayor, Councillors, and Citizens of the City of Manukau: 25

“Council” means the Manukau City Council:

“District scheme” has the same meaning as in the Town and Country Planning Act 1953: 30

“Regional Centre” means the area of land which is more particularly described in the First Schedule to this Act.

3. Power to acquire land for development—(1) The Council may and it is hereby authorised and empowered to purchase, take under the Public Works Act 1928, or otherwise acquire for the purposes of this Act, the lands described in the Fourth Schedule to this Act. 35

(2) The lands described in the Third Schedule to this Act, being lands already owned by the Corporation, shall be deemed to have been purchased, taken, or acquired under the provisions of subsection (1) of this section, and may be
5 dealt with as hereinafter provided.

4. Power to develop land and erect buildings thereon—

(1) The Council may and it is hereby authorised and empowered to develop as a City Centre the area of land more particularly described in the Second Schedule to this
10 Act in accordance with a development plan thereof to be prepared by the Council, by and in which provision shall be made for such civic, cultural, community recreational, commercial, and industrial amenities and facilities as may be determined and approved by the Council.

15 (2) The said development plan shall be incorporated with and become part of the Council's district scheme under the Town and Country Planning Act 1953, and may from time to time be changed, varied, or reviewed and otherwise dealt with under that Act.

20 (3) The Council may and it is hereby authorised and empowered—

(a) To carry out the subdivision or regrouping of the lands described in the Second, Third, and Fourth Schedules to this Act or any part or parts thereof;

25 (b) To improve and develop such lands or any part or parts thereof for any purpose; and

(c) To erect buildings or other structures on such lands or any part or parts thereof for letting or leasing or resale for commercial or industrial purposes.

30 (4) For the purposes of this section the erection of buildings or other structures shall be deemed to be a public work within the meaning of the Public Works Act 1928.

5. Power to sell and lease—Without limiting the powers of the Council under Part XIII of the Municipal Corporations
35 Act 1954 (which relates to the sale or leasing of land) the Council may, and it is hereby authorised and empowered to sell, let, or lease the lands described in the Second, Third, and Fourth Schedules to this Act, or any part or parts thereof, or any building or other structure thereon, or any part or
40 parts thereof, in any manner and for such price or at such rental and on and subject to such terms and conditions as are authorised by any enactment conferring selling or leasing powers on the Council:

4 *Manukau City (Regional Centre) Empowering*

Provided that the Council may sell, let, or lease any such land, building, or other structure, or any part or parts thereof as aforesaid, by private contract without public auction, public tender, or public application, but only on such terms and otherwise subject in all respects to such conditions as are prescribed by any such enactment as aforesaid. 5

6. Section 153 of the Municipal Corporations Act 1954 and sections 8 and 9 of the Public Bodies' Leases Act 1908 not to apply—Nothing herein contained or implied shall be construed as making section 153 of the Municipal Corporations Act 1954 or section 8 or section 9 of the Public Bodies' Leases Act 1908 apply to leases or tenancies granted pursuant to this Act, and such leases or tenancies shall not be subject to the conditions and exceptions contained in the said section 153 or the said section 8 or section 9 as the case may be. 10 15

7. Authority to borrow money—The Council may from time to time raise special loans under the Local Authorities Loans Act 1956, for any of the purposes mentioned in this Act.

8. Proceeds of sale or lease of buildings—(1) All money received by the Council on the sale or lease of any land, with or without buildings or other structures thereon, pursuant to this Act shall be paid by the Council into a separate account to be known as the Regional Centre Account. 20

(2) Money in the Regional Centre Account shall be applied solely for the following purposes— 25

(a) In the reimbursement of the General Account of an amount to cover administrative charges in respect of the acquisition and development of any land, buildings, or other structures already owned or hereafter acquired or erected by the Corporation under this Act and the sale or lease thereof, not exceeding five percent of the actual cost of the land to the Council and the development thereof (including survey fees, legal fees, and the cost of the provision of services and the erection of buildings or other structures, or the effecting of other improvements to the said land): 30 35

(b) In repayment of any money borrowed to meet any expenditure incurred under this Act in respect of any land, buildings, or other structures already owned or hereafter acquired or erected by the Corporation under this Act and any interest and sinking fund payments in respect of any money so borrowed: 40

- 5 (c) In reimbursement of the General Account or any other account of any money expended out of that account under this Act in respect of any land, buildings, or other structures already owned or hereafter acquired or erected by the Corporation under this Act:
- 10 (d) In reimbursement of the General Account of an amount annually to cover administration charges in respect of the leasing and receipt of rentals from the said land, buildings, or other structures not exceeding five percent of the gross revenue received therefrom:
- (e) In reimbursement of any other expenditure incurred by the Council under the provisions of this Act.

15 **9. Section 104 of Local Authorities Loans Act 1956 not to apply**—Nothing in section 104 of the Local Authorities Loans Act 1956 shall apply in respect of any money to which section 8 of this Act applies.

20 **10. Power to make bylaws**—(1) The Council may make such bylaws applicable to the said lands, buildings, or other structures as it thinks fit for the purposes of—

- (a) The more effectual carrying out of any of the objects of this Act:
- (b) Regulating and controlling the proper development of the said lands, buildings, or other structures:
- 25 (c) Prescribing the terms and provisions of the sales and leases by the Council of the said lands, buildings, or other structures authorised by and under this Act:
- (d) Prescribing the classes, construction, and siting of the buildings or other structures, and the improvements to be erected on and effected to the said lands or any part or parts thereof:
- 30 (e) Regulating and controlling pedestrian and vehicular traffic (including the starting, stopping, or parking of vehicles) on the said lands and, if it thinks fit, prohibiting pedestrian or vehicular traffic thereon or on any part or parts thereof:
- 35 (f) Authorising the Council or any officer thereof to pull down, remove, or alter any building or other structure, and also any work, material or thing erected or being in contravention of, or otherwise not complying with the provisions or requirements of this Act or any bylaw, and also authorising the Council to recover from the person or persons committing the breach or breaches all expenses incurred by the Council in connection with the pulling down, removal, or alteration.
- 40
- 45

(2) The exercise of any authority under paragraph (f) of subsection (1) of this section shall not relieve any person from liability to any penalty incurred by reason of the breach.

(3) Bylaws under this section shall be made in accordance with Part XXIX of the Municipal Corporations Act 1954, and the provisions of that Part shall apply accordingly. 5

11. Power to make provision in district scheme for development of Regional Centre—(1) In addition to the power to make bylaws conferred by section 10 of this Act, and without restricting or in any way derogating from the powers conferred upon it by the Town and Country Planning Act 1953, the Council may and it is hereby authorised and empowered to— 10

(a) Designate or otherwise define in its district scheme by reference to a development plan or in such other manner as the Council shall think fit, the areas of land described in the First Schedule or Second Schedule to this Act or any part or parts thereof for use as the Regional Centre or City Centre for such civic, cultural, community, and recreational purposes as may be determined and approved by the Council: 15 20

(b) Zone or otherwise define in its said district scheme the lands described in the said First Schedule or the said Second Schedule to this Act which are to be used exclusively or principally for residential, commercial, industrial, or other purposes, and stipulate or specify in and by appropriate ordinances the conditions and restrictions (if any) to which each such use, whether predominant or conditional, shall be subject. 25 30

(2) To the extent (if any) to which any such designation, zoning, or other definition as aforesaid is or may not be authorised by or under the provisions of the Town and Country Planning Act 1953, the same shall be effected as if the proposed uses were (and they are, by the authority of this section, deemed to be) matters referred to in the Second Schedule to the Town and Country Planning Act 1953 for which provision may be made in the said district scheme in accordance with the requirements of section 21 of the Town and Country Planning Act 1953. 35 40

12. Enactments not affected by this Act—(1) The powers conferred upon the Council by this Act shall be in addition to and not in substitution for any powers vested in the Council by any other Act for the time being in force, whether passed
5 before or after the passing of this Act.

(2) Except as expressly provided in this Act, nothing in this Act shall derogate from any of the provisions of any of the following enactments—

- 10 (a) The Public Bodies' Leases Act 1908:
- (b) The Public Works Act 1928:
- (c) The Town and Country Planning Act 1953:
- (d) The Municipal Corporations Act 1954, and, in particular, section 365A thereof (as inserted therein
15 by section 31 of the Municipal Corporations Amendment Act 1964):
- (e) The Local Authorities Loans Act 1956.

SCHEDULES

FIRST SCHEDULE

Sections 2 and 11

REGIONAL CENTRE

ALL that area in the North Auckland Land District bounded by a line commencing at a point on the western side of the Auckland-Hamilton Motorway at its intersection with the south side of Prestons Road in Block XI, Otahuhu Survey District and proceeding north-easterly generally by a right line across the said motorway to and along the south side of Prestons Road to and along the southern side of Boundary Road, to and along the western side of Hill Top Road to the eastern corner of Lot 4, D.P. 49639; thence by a right line across Redoubt Road to the western corner of that part of Clendons Grant in C.T. 1046/297; thence southerly generally along the western boundary of the land in C.T. 1046/297 the western boundary of Lot 1, D.P. 47678, the generally western boundary of that part of Clendons Grant in C.T. 1107/130 to the southernmost corner of that part, thence by a right line to Peg XXI_A (D.P. 31549) on the northern boundary of Lot 2, D.P. 54627; thence by a right line to the northernmost corner of Lot 1, D.P. 54627; thence generally southerly along the general eastern boundary of that lot to its intersection with Wairere Road; thence westerly and then southerly along the northern and western sides of that road to its intersection with Hill Road; thence south-westerly along the north side of that road to its intersection with the eastern side of the Auckland-Hamilton Motorway; thence by a right line across that motorway to the easternmost corner of Lot 264, D.P. 53162; thence generally north-westerly along the west side of the Auckland-Hamilton Motorway to a point in line with the production

FIRST SCHEDULE—*continued*

eastwards of the north-western boundary of Lot 3, D.P. 55959; thence south-westerly along that production to the westernmost corner of the said Lot 3, D.P. 55959; thence by a right line to the northernmost corner of Lot 1, D.P. 55959; thence south-westerly along the northern boundaries of the said lot to the westernmost corner of Lot 1, D.P. 39652; thence southerly along the eastern boundary of Lot 2, D.P. 41691 to its intersection with Orams Road; thence westerly along the north side of that road to its intersection with the eastern boundary of that part of Clendons Grant in C.T. 887/184; thence northerly and westerly along the eastern and northern boundaries of that part of Clendons Grant to its westernmost corner; thence by a right line to the northernmost corner of Lot 1, D.P. 43894; thence westerly along the northern boundary of that lot to the westernmost corner of Lot 2, D.P. 43894; thence northerly along the western boundary of the said Lot 2, D.P. 43894 to the northernmost corner of Lot 15, D.P. 40304; thence westerly along the northern boundary of Lots 14, 13, 12, and 11, D.P. 40304 to the westernmost corner of Lot 11, D.P. 40304; thence southerly along the western boundary of that lot to its intersection with Orams Road, thence westerly along the north side of Orams Road to its intersection with the eastern boundary of Lot 10, D.P. 40304; thence northerly along the eastern boundary of that lot to its northernmost corner; thence westerly along the northern boundaries of Lots 10, 9, 8, 7, 6, 5, 4, 3, and 2, D.P. 40304, Lot 2, D.P. 37282, Lot 10, D.P. 38975, Lot 1, D.P. 37282, Lots 9, 8, and 3, D.P. 38975 to the easternmost corner of Lot 2, D.P. 38975; thence northerly and then westerly along the eastern and northern boundary of that lot to the intersection of the latter with the Great South Road; thence westerly by a right line across that road to the northernmost corner of Lot 1, D.P. 48966; thence westerly generally along the general southern boundaries of that part of Clendons Grant in C.T. 518/51, that part shown on D.P. 23174, those parts taken for secondary school on S.O. Plans 39511, 41421, 43567 and that part taken for public school on S.O. Plan 37527 to the eastern boundary of Lot 4, D.P. 23681; thence northerly along the eastern boundary of Lot 4, D.P. 23681 and the western boundary of the land shown on D.P. 23201 to the westernmost corner of that land; thence easterly along the northern boundary of the land shown on D.P. 23201 to a point in line with the production southwards of the east side of Druces Road; thence northerly along that production and along the east side of Druces Road and along that side produced to the middle of the Puhinui Stream; thence northerly and westerly generally along the middle of that stream to its intersection with the boundary of the City of Manukau as described in *N.Z. Gazette*, 1965, p. 1367; thence northerly, easterly, and finally northerly along that boundary to the point of commencement.

Manukau City (Regional Centre) Empowering 9

SECOND SCHEDULE Sections 2, 4, 5, and 11
CITY CENTRE

ALL that area in the North Auckland Land District bounded by a line commencing at a point on the western side of the Auckland-Hamilton Motorway at its intersection with the south side of Prestons Road in Block XI, Otahuhu Survey District and proceeding southerly generally along the west side of the said motorway to a point in line with the production eastwards of the north-western boundary of Lot 3, D.P. 55959, such point being on the boundary of the Manukau City Regional Centre hereinbefore described, thence south-westerly, westerly, northerly, easterly, and finally northerly along the said boundary to the point of commencement.

THIRD SCHEDULE Sections 3 (2), 4 (3),
and 5

LANDS OWNED BY CORPORATION

Area			Description	C.T.
A.	R.	P.		
3	3	12.5	Part Lot 6, D.P. 16810, being part Clendons Grant	384/191
18	3	00.2	Lot 8, D.P. 16810, being part Clendons Grant	391/200
93	2	31.2	Part Lot 2, D.P. 20537, being part Clendons Grant	10D/563
1	0	26.0	Part Clendons Grant	1521/23
152	0	26.4	Part D.P. 4748 being part Clendons Grant	395/289
21	3	19.0	Part D.P. 6970 being part Clendons Grant	186/251
58	3	01.6	Part D.P. 24628 and Lot 1, D.P. 41952	8D/1000
0	1	04.0	Lot 3, D.P. 41952	1945/29
0	1	04.0	Lot 5, D.P. 41952	1674/27
0	0	32.0	Lot 1, D.P. 30438	784/108
0	1	05.8	Lot 1, D.P. 30518	792/106
0	0	07.3	Part Clendons Grant	773/11
18	1	20.0	Lot 2, D.P. 12799	292/214
8	0	06.0	Part D.P. 3424	1186/28
17	1	14.7	Part Clendons Grant	4D/1278
0	0	30.0	Part D.P. 3424	496/277

10 *Manukau City (Regional Centre) Empowering*

Sections 3 (1), 4 (3), **FOURTH SCHEDULE**
and 5

LANDS AUTHORISED TO BE ACQUIRED

Area			Description	C.T.
A.	R.	P.		
18	0	31.5	Lot 1, D.P. 48617 and part Lot 1, D.P. 38825	4c/419
11	0	01.9	Part Lot 1, D.P. 38966	1044/91
10	3	24.0	Part Lot 2, D.P. 38966	1117/270
10	2	39.0	Part Lot 3, D.P. 38966	1019/280
10	1	14.2	Part D.P. 24323	988/80
3	3	19.6	Lot 1, D.P. 40503	9d/503
5	1	26.4	Lot 2, D.P. 50503	1081/288
5	1	36.6	Lot 3, D.P. 40503	1077/16
4	2	19.0	Lot 1, D.P. 42239	2c/546
4	2	12.8	Lot 2, D.P. 42239	2c/996
5	3	23.8	Part D.P. 6964	1583/65
9	0	34.6	Part Clendons Grant	1539/94
4	3	04.6	Part Lot 1, D.P. 23063	1539/95
12	1	06.2	Part Lot 2, D.P. 23063	526/91
31	3	04.0	Part D.P. 3440	128/40
14	3	31.7	Part Clendons Grant	535/15
17	0	07.7	Part Lot 1, D.P. 14961	4n/528
0	3	28.1	Part Lot 3, D.P. 39652 and part Sections 4 and 6 Block XI Otahuhu Survey District	9A/1285
2	0	18.0	Lot 2, D.P. 41691	1524/61
1	2	02.0	Part Lot 2, D.P. 43894	2096/35
4	1	36.2	Part Lot 5, D.P. 41713	1653/23
4	1	29.8	Lot 1, D.P. 47931	1859/37
4	1	28.3	Lot 2, D.P. 47931	1861/17
0	0	34.5	Lot 1, D.P. 40304	1071/253
0	0	37.9	Lot 1, D.P. 38975	1061/44
4	3	29.3	Lot 2, D.P. 41713	1137/182
4	3	31.0	Lot 1, D.P. 41713	1565/20
0	3	31.2	Part Clendons Grant	518/48
0	2	00.0	Part Clendons Grant	518/49
2	2	09.0	Section 1, Block XI, Otahuhu Survey District	1860/29
5	0	00.0	Lot 1, D.P. 47037	1699/100
4	1	17.0	D.P. 3424 part Clendons Grant	1186/29
0	1	00.0	D.P. 30453 part Clendons Grant	748/185
3	2	05.0	Lot 2, D.P. 13384	320/289
5	0	05.0	Lot 1, D.P. 13384	304/348
5	0	34.8	D.P. 11902 part Clendons Grant	271/20
3	1	13.9	Part Clendons Grant	773/29
2	0	00.0	Part Clendons Grant (D.P. 51122)	526/93
0	1	04.0	Lot 2, D.P. 41952	2b/1384
0	1	04.0	Lot 4, D.P. 41952	1671/30
0	1	04.0	Lot 6, D.P. 41952	1571/26
0	1	03.5	Lot 7, D.P. 41952	1669/38
0	0	39.7	Lot 8, D.P. 41952	1366/74
0	1	00.1	Lot 9, D.P. 41952	1321/44
0	1	00.1	Lot 10, D.P. 41952	1627/75

FOURTH SCHEDULE—*continued*

Area			Description	C.T.
A.	R.	P.		
2	2	29.5	Part D.P. 24700, part Clendons Grant	784/109
38	1	06.5	Lot 11, D.P. 16810	451/102
0	1	03.2	Lot 3, D.P. 39767	1057/260
5	3	00.9	Lot 2, D.P. 51784	1c/263
7	1	22.9	Lot 1, D.P. 51784	1c/264
12	0	08.8	Part Clendons Grant	1052/44
24	3	12.0	Lot 9, D.P. 16810	384/190
2	0	00.2	Part Lot 7, D.P. 16810	1116/253
1	3	39.8	Part Lot 7, D.P. 16810	1116/254
2	3	13.0	Lot 3, D.P. 41160	1617/26
3	1	33.3	Lot 3, D.P. 39347	1035/106
2	3	38.6	Part Lot 3, D.P. 16810	1820/24
4	0	00.0	Lot 2, D.P. 16810	384/193
2	3	29.2	Lot 2, D.P. 57212	10c/758
35	1	00.0	D.P. 2693	110/186
20	0	00.0	Part Clendons Grant	526/97
10	0	21.8	Part Clendons Grant	1377/23
89	1	21.8	Part Clendons Grant	517/220
20	0	00.0	Part Clendons Grant	517/221
14	2	20.9	Part Clendons Grant	518/46
2	0	00.0	Part Clendons Grant	518/47
22	0	00.0	Part Clendons Grant	518/50
6	0	07.4	Part Clendons Grant	518/51
14	2	17.0	Part Clendons Grant C/T's—617/287, 617/289	629/42