



ANALYSIS

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1962, No. 7—*Local*

An Act to authorise the Gore Borough Council to purchase or lease certain freehold land and to lease unused railway land within the Borough of Gore, and to develop such land for industrial purposes, and to borrow money for such development
[7 September 1962]

WHEREAS the Gore Borough Council is desirous of developing certain lands within the Borough as an industrial area:

BE IT THEREFORE 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 Gore Borough Empowering Act 1962.

2. Interpretation—In this Act, unless the context otherwise requires,—
“Borough” means the Borough of Gore:

“Corporation” means the body corporate known as the Mayor, Councillors, and Citizens of the Borough of Gore:

“Council” means the Gore Borough Council:

“General Account” means the General Account of the Gore Borough Council:

“Minister” means the Minister of Railways:

“Railways land” means the land described in the Second Schedule to this Act.

3. Authority to acquire or lease land for development—

(1) The Council is hereby authorised to purchase, or take on lease, for the purposes of this Act, the land described in the First Schedule to this Act.

(2) The Minister may lease to the Council, for the purpose of this Act, the land described in the Second Schedule to this Act for such term and upon such conditions as may be agreed upon between the Minister and the Council.

4. Power to develop land—(1) The Council is hereby empowered, in respect of the land purchased by or leased to it under the provisions of this Act,—

(a) To subdivide or resubdivide the whole or any part or parts thereof into suitable industrial allotments:

Provided that any subdivision or resubdivision of railway land shall be to the satisfaction of the Minister:

(b) To construct or provide such public works and amenities as may be deemed necessary or desirable for the use, convenience, and enjoyment of the said land for industrial purposes, including—

(i) Streets, railways sidings, and other means of communication or access:

(ii) Services for water supply, drainage, sewerage, electric lighting, and power.

(2) The Council may either carry out all or any of the above-mentioned works with its own plant and equipment or may enter into a contract or contracts in respect of all or any of the said works.

5. Power to sell or lease land for industrial purposes—Without limiting the powers of the Council under Part XIII of the Municipal Corporations Act 1954 (which relates to the sale or leasing of land) it is hereby declared that the Council

may, in respect of the whole or any part of the land described in the First Schedule to this Act,—

- (a) Sell any allotment for such price, upon such terms (including the payment of purchase money by instalments), and to such person or persons desirous of using the land for industrial purposes as in its absolute discretion it thinks fit:
- (b) Subject to the provisions of subsection (1) of section 7 of this Act, lease any allotment to such person or persons desirous of using the same for industrial purposes at such rental and upon such terms as in its absolute discretion it thinks fit.

6. Power to sublease railway land for industrial purposes—

Subject to the provisions of subsection (2) of section 7 of this Act, the Council may, in respect of the whole or any part of the railway land described in the Second Schedule to this Act, sublease any allotment to such person or persons desirous of using the same for industrial purposes at such rental and upon such terms as in its absolute discretion it thinks fit:

Provided that the term of any such sublease shall be limited to expire on a date being at least one day before the date of expiry of the head lease from the Minister to the Council.

7. Application of leasing provisions of Municipal Corporations Act 1954 and of Government Railways Act 1949—

(1) Every lease of an allotment other than railway land granted under section 5 of this Act shall be granted in accordance with the provisions of sections 151, 152, and 155 of the Municipal Corporations Act 1954, and may contain such covenants, conditions, and provisions not inconsistent with those provisions as the Council thinks fit:

Provided that nothing herein contained or implied shall be construed as making section 153 of the Municipal Corporations Act 1954 apply to leases granted in pursuance of this Act.

(2) The provisions of sections 49 and 50 of the Government Railways Act 1949, so far as they are applicable and with the necessary modifications, shall apply in the case of every sublease of railway land granted under section 6 of this Act, and every such sublease may contain such covenants, conditions, and provisions not inconsistent with the provisions of the said sections 49 and 50 as the Council thinks fit:

Provided that nothing herein contained or implied shall be construed as making subsections (2) and (3) of section 49 of the Government Railways Act 1949 or the additional powers of a leasing authority conferred on the Minister pursuant to section 50 of the Government Railways Act 1949 and contained in section 5 of the Public Bodies' Leases Act 1908 apply to leases granted pursuant to this subsection.

8. 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 sections 3 and 4 of this Act.

9. Proceeds of sale or lease of industrial site—(1) All money received by the Council on the sale or lease of any land pursuant to this Act shall be paid by the Council into a separate account to be known as the Industrial Sites Development Account.

(2) Money in the Industrial Sites Development Account shall be applied solely for the following purposes:

- (a) In payment of the annual charges required to service any loan raised under the provisions of section 8 of this Act and in payment of the annual rental payable by the Council for the land leased to it by the Minister:
- (b) In reimbursement of any other expenditure incurred by the Council under the provisions of this Act:
- (c) In reimbursement of the General Account of an amount to cover the administrative charges incurred by the Council in the establishment of the industrial area calculated at five per cent of the actual cost of the land to the Council and of the development thereof (including survey fees, legal expenses, the cost of the provision of services and amenities, and of the effecting of other improvements):
- (d) In reimbursement of the General Account of an amount annually to cover administrative charges in respect of the leasing and the receipt of rentals from the said land calculated at five per cent of the gross rentals received.

(3) After satisfaction of all the payments under subsection (2) of this section, money from time to time accruing to the Industrial Sites Development Account may be applied

by the Council in the undertaking, development, and maintenance of any public work which the Council is empowered to perform under the Municipal Corporations Act 1954 or any other Act it enabling.

(4) Nothing in section 104 of the Local Authorities Loans Act 1956 shall apply with respect to any moneys to which subsection (1) of this section applies.

10. Power to make bylaws—(1) Subject in the case of the land described in the Second Schedule to this Act to the Government Railways Act 1949 and to the prior approval of the Minister, the Council may make such bylaws applicable to the said land as it thinks fit for the purpose 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:
- (c) Prescribing the terms and provisions of the sale and leases by the Council of the industrial allotments permitted under this Act:
- (d) Prescribing the classes, construction, and siting of the buildings and improvements to be erected on the aforesaid allotments.

(2) 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.

SCHEDULES

Sections 3 (1), 5

FIRST SCHEDULE

LAND TO BE PURCHASED OR LEASED BY COUNCIL

FIRSTLY all those areas having a frontage to No. 1 State Highway and an unformed road containing 4 acres 2 roods, more or less, being Allotment 4, Block 1, Deposited Plan No. 181, and 2 acres 1 rood 39·8 perches, more or less, being Allotment 1, Deposited Plan No. 1742, both being parts of Sections 58 and 136, Block LXXII, Hokonui Survey District, and being all of the land comprised and described in certificate of title, Volume 106, folio 54, Southland Registry.

Secondly all those areas having a frontage to Charlton Road and an unformed road containing 5 acres and 3 perches, more or less, being Allotment 2, Deposited Plan No. 1742, and 3 acres 3 roods 19 perches, more or less, being Allotment 4, Deposited Plan No. 1503, both being part Section 58, Block LXXII, Hokonui Survey District, and being all of the land comprised and described in certificate of title, Volume 106, folio 41, Southland Registry.

Thirdly all that area having a frontage to an unformed road containing 2 acres and 33·7 perches, more or less, being Allotment 3, Deposited Plan No. 1742, being part Section 58, Block LXXII, Hokonui Survey District, and being all of the land comprised and described in certificate of title, Volume 106, folio 249, Southland Registry.

Fourthly all that area having a frontage to Charlton Road containing 6 acres 3 roods 4·4 perches, more or less, being part Allotments 2 and 3, Deposited Plan No. 1503, being part Section 58, Block LXXII, Hokonui Survey District, and being all of the land comprised and described in certificate of title, Volume 211, folio 25, Southland Registry.

Fifthly all that area have a frontage to Charlton Road containing 3 acres 1 rood 29·8 perches, more or less, being part Allotment 5, Deposited Plan No. 1503, being part of Section 58, Block LXXII, Hokonui Survey District, and being the balance of the land comprised and described in certificate of title, Volume 192, folio 13, Southland Registry.

Sixthly all that area having a frontage to Charlton Road containing 3 acres 1 rood 28 perches, more or less, being part Allotment 10, Block 1, Deposited Plan No. 87, being part Sections 58 and 136, Block LXXII, Hokonui Survey District, and being the balance of the land comprised and described in certificate of title, Volume 65, folio 219, Southland Registry.

Sevently all those areas having a frontage to No. 1 State Highway containing 2 roods, more or less, being Allotment No. 1, Deposited Plan No. 1257, 2 roods, more or less, being Allotment No. 2, Deposited Plan No. 1257, and 2 roods, more or less, being Allotment No. 3, Deposited Plan No. 1257, being part Section 136, Block LXXII, Hokonui Survey District, and being part of the land comprised and described in certificate of title, Volume 226, folio 48, Southland Registry.

SECOND SCHEDULE

Sections 2, 3 (2), 6, 10

RAILWAY LAND TO BE LEASED TO COUNCIL

FIRSTLY all that area of land having a frontage to No. 1 State Highway containing 14 acres 2 roods, more or less, being Allotments 12 and 13, Block I, Deposited Plan No. 87, and Allotment 5, Block I, Deposited Plan No. 181, being also part of Sections 58 and 136, Block LXXII, Hokonui Survey District, being all the land comprised and described in certificate of title, Volume 72, folio 244, Southland Registry.

Secondly all that area of land containing 6 acres 2 roods 8·4 perches, being part Allotment 9, Block I, Deposited Plan 87, and part Allotment 6, Block I, Deposited Plan 181, being part of Section 58, Block LXXII, Hokonui Survey District, being the land as described in *New Zealand Gazette* 1908, page 1511, and Proclamation No. 898, and being also the balance of the land comprised and described in certificates of title, Volume 84, folio 25, and Volume 45, folio 73 (cancelled), Southland Registry.

Thirdly all that area of land containing 2 roods 19·3 perches, more or less, being part Allotment 5, Deposited Plan No. 1503, being also part Section 58, Block LXXII, Hokonui Survey District, being all the land comprised and described in certificate of title, Volume 194, folio 208, Southland Registry.
