



ANALYSIS

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Powers of Local Authority as to Trade Wastes Disposal Outside District

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1980, No. 82

An Act to amend the Local Government Act 1974

[22 December 1980]

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 and commencement**—(1) This Act may be cited as the Local Government Amendment Act 1980, and shall be read together with and deemed part of the Local Government Act 1974 (hereinafter referred to as the principal Act).

(2) Sections 51 and 54 of this Act shall come into force on the day on which this Act receives the Governor-General's assent.

(3) Section 58 of this Act shall be deemed to have come into force on the 1st day of April 1980.

(4) Except as provided in subsections (2) and (3) of this section, this Act shall come into force on the 28th day after the day on which it receives the Governor-General's assent.

PART I**AMENDMENTS OF PRINCIPAL ACT**

2. Interpretation—(1) Section 2 (1) of the principal Act is hereby amended by omitting from the definition of the term “principal officer” (as substituted by section 7 (2) of the Local Government Amendment Act (No. 3) 1977) the words “principal officer” at both places where they occur and substituting the words “principal administrative officer”.

(2) Every reference in the principal Act or in any other enactment to the principal officer of a regional council, united council, or territorial authority shall be read as a reference to the principal administrative officer of that council or authority.

3. Commission may co-opt specialist advice—Section 11 of the principal Act (as enacted by section 2 of the Local Government Amendment Act (No. 2) 1977) is hereby amended by omitting the words “under this Part of this Act”, and substituting the words “by the Commission”.

4. Officers of Commission—Section 12 (1) of the principal Act (as enacted by section 2 of the Local Government Amendment Act (No. 2) 1977) is hereby amended by omitting the words “for the purposes of this Part of this Act”, and substituting the words “to enable the Commission to carry out and exercise its functions, duties, and powers”.

5. Functions of Commission—Section 15 (1) of the principal Act (as enacted by section 2 of the Local Government Amendment Act (No. 2) 1977) is hereby amended by adding the following paragraph:

“(e) To perform such other functions as may be conferred upon it by this Act or by any other Act.”

6. Reorganisation scheme may apply to out-districts—Section 25 of the principal Act (as enacted by section 2 of the Local Government Amendment Act (No. 2) 1977) is hereby amended by inserting, after paragraph (g), the following paragraph:

“(ga) The declaration, alteration, or abolition of any out-district:”.

7. Reorganisation schemes affecting District Noxious Plants Authorities—Section 26 (3) (b) of the principal Act (as enacted by section 2 of the Local Government Amendment Act (No. 2) 1977) is hereby amended by adding the following subparagraph:

“(v) In relation to any District Noxious Plants Authority, means the Minister of Agriculture.”

8. Commission may decide not to proceed with proposal—The principal Act is hereby amended by inserting, after section 26 (as enacted by section 2 of the Local Government Amendment Act (No. 2) 1977), the following section:

“26A. Notwithstanding anything in this Part of this Act, the Commission may, if it thinks fit, decide at any time not to proceed with a proposal initiated or requested under section 26 of this Act.”

9. Conciliation procedures not required where local authorities in agreement—Section 27 of the principal Act (as enacted by section 2 of the Local Government Amendment Act (No. 2) 1977) is hereby amended by repealing subsections (1) and (2), and substituting the following subsections:

“(1) Where the Commission is to consider any proposal under section 26 of this Act, it shall ascertain whether or not all the local authorities that are likely, in the opinion of the Commission, to be affected, are in agreement on the proposal.

“(2) Where the Commission has ascertained that all the local authorities that are likely, in its opinion, to be affected by the proposal are in agreement on the proposal, it may, if it thinks fit, proceed forthwith under subsections (7) and (8) of this section.

“(2A) Where the Commission has ascertained that the local authorities that are likely, in its opinion, to be affected by a proposal are not all in agreement on the proposal, the Commission shall, as a first step, appoint not more than 2 persons (whether members of the Commission or not) to be a conciliator or conciliators to make such inquiries, conduct such negotiations, and obtain such information (hereinafter referred to as conciliation proceedings) as he or they think necessary or desirable, or as the Commission directs, for the purpose of inducing the local authorities concerned to come to a fair and reasonable agreement in respect of the proposal.”

10. Appeal against determination of Commission—Section 37A (1) of the principal Act (as enacted by section 2 of the Local Government Amendment Act (No. 2) 1977) is hereby amended by inserting, after the words “proceedings before the Commission”, the words “(whether conducted under the authority of this Act or any other Act)”.

11. Purpose of community council—Section 61 (d) of the principal Act (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977) is hereby amended by omitting the expression “section 632”, and substituting the expression “section 666”.

12. Enrolment where person holds more than one qualification—(1) Section 75 of the principal Act (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977) is hereby amended by omitting from subsection (4) the words “A person having qualifications”, and substituting the words “Notwithstanding subsection (2) of this section, any person having rating or residential qualifications”.

(2) Section 75 of the principal Act (as so enacted) is hereby further amended by adding the following subsection:

“(5) The selection by the principal officer of the ward for which a person’s name shall be entered on the roll shall be binding unless the person notifies the principal officer, before the date of the close of the roll as determined under section 111 (1) of the Local Elections and Polls Act 1976, of his desire to have his name entered on the roll of any other ward in respect of which he has a qualification.”

13. Alterations to apportionment of expenditure—Section 125 (1) of the principal Act (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977) is hereby amended—

(a) By inserting, after the words “from time to time”, the words “within the period beginning with the 2nd day of March and ending with the 31st day of August in any year”:

(b) By inserting, after the words “apportionment is made”, the words “with effect on and after the 1st day of March next following the date of the resolution”.

14. Objections as to alterations to apportionment of expenditure—(1) Section 125A of the principal Act (as enacted by section 2 of the Local Government Amendment

Act (No. 3) 1977) is hereby amended by omitting from subsection (5) the words “after the passing of the resolution”, and substituting the words “after the date of the decision, but in any case not later than the 1st day of February next following the date of the decision”.

(2) Section 125A of the principal Act (as so enacted) is hereby further amended by repealing subsection (6), and substituting the following subsection:

“(6) The Commission shall, within 1 month after receiving any such objection but in any case not later than the 8th day of March next following the date of the decision, consider and determine the objection.”

15. Separate general rates in each ward—Section 138 (3) of the principal Act (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977) is hereby amended by omitting the words “kept pursuant to section 202 of this Act”.

16. Fire protection rate—(1) Section 143 (1) of the principal Act (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977 and amended by section 8 (1) of the Local Government Amendment Act 1979) is hereby amended by repealing paragraph (a), and substituting the following paragraph:

“(a) A fire protection rate, for the purpose of meeting expenditure incurred under Part XXXIX of this Act:”.

(2) The Local Government Amendment Act 1979 is hereby amended by repealing so much of Part I of the Third Schedule as relates to section 143 (1) (a) of the principal Act.

17. Territorial authority may exempt farm lands in community from improvement and development rates—Section 145 (1) (c) of the principal Act (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977) is hereby amended by omitting the words “pursuant to section 630”, and substituting the words “carried out under section 668”.

18. New sections relating to differential rating substituted—The principal Act is hereby amended by repealing sections 147 and 148 (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977), and substituting the following sections:

“147. **Differential rates**—(1) Instead of making and levying any rates that it is empowered to make and levy under this Act or any other enactment as uniform rates over the district as a whole, or, as the case may be, over any ward as a whole or over any special rating area as a whole, the council may, pursuant to a special order, decide to adopt a system of rating on a differential basis, so that the rates made and levied in respect of any one or more specified types or groups of property may vary from those rates made and levied in respect of another specified type or group of property.

“(2) For the purposes of subsection (1) of this section, a type or group of property may be determined according to any one or more of the following criteria—

“(a) The use or uses to which a property is put:

“(b) The zoning of a property under an operative district scheme under the Town and Country Planning Act 1977:

“(c) The area of the land comprising a property:

“(d) The situation of the land in any specified part of the district, or any ward, or special rating area:

“(e) Such other distinctions in relation to the characteristics of a property as the council thinks fit.

“(3) Where a type or group of property is determined in accordance with subsection (2) (b) of this section, any property that is used for a purpose that is neither a use permitted as of right nor a conditional use under any operative district scheme within the meaning of the Town and Country Planning Act 1977 in the zone in which the property is situated shall be included in some other zone provided for in that scheme where that use is a use permitted as of right or a conditional use.

“(4) Where under this section the council decides to make and levy on a differential basis any specified rate or rates but not all rates, or all rates with the exception of any specified rates, in the district or in any ward or special rating area, then, unless the context otherwise requires, sections 147A to 152 of this Act shall have effect only in relation to the rate or rates to be made and levied on a differential basis.

“(5) Nothing in this section or in sections 147A to 152 of this Act shall apply with respect to any uniform charge on

rateable property made and levied by the council, notwithstanding that by any other provision of this Act or by any other Act the charge is deemed to be a rate, or that the council has resolved to make and levy the charge as a rate.

“147A. Introduction of differential rating—(1) The following provisions shall apply with respect to every special order under section 147 (1) of this Act:

“(a) The special order may be made with respect to all rates made and levied by the council over the district or ward or special rating area, as the case may be, or with respect to any of those rates specified in the order, or with respect to all those rates with the exception of any specified rates:

“(b) The resolution to make the special order shall specify the date on which differential rating shall come into force in the district, ward, or special rating area, as the case may be, which shall be a day not earlier than the 1st day of April preceding the date fixed for the confirmation of the resolution and not later than the 1st day of April next following the confirmation of that resolution:

“(c) The resolution to make the special order shall include a statement specifying—

“(i) The matters taken into account in preparing the proposed system of differential rating:

“(ii) The proposed types or groups of property for differential rating within the district, ward, or special rating area, as the case may be:

“(iii) That the proposed system of differential rating has the object of establishing and preserving as far as practicable a stated relationship between the total proceeds of rates received from any type or group or combination of types or groups of property and any other type or group or combination of types or groups of property, if such is the case:

“(iv) The general effect that the introduction of differential rating is expected to have on the incidence of rates as between ratepayers or groups of ratepayers within the district, ward, or special rating area, as the case may be:

“(v) Such other matters as the council considers relevant:

“(d) Every such statement shall be open for inspection by the public without fee:

“(e) The first public notice of the resolution to make the special order shall be given not less than 60 days before the date fixed for the confirmation of the resolution to make the special order, and shall state—

“(i) The times when and the places where inspection of the statement referred to in paragraph (c) of this subsection can be made; and

“(ii) That any person upon inquiry either in person at the public office of the council, or in writing addressed to the principal officer, shall be advised of the type or group of property to which a particular property will be allocated; and

“(iii) That any ratepayer may, at any time after the confirmation of the special order, object to the council in accordance with section 57 of the Rating Act 1967 against the allocation of a property to a particular type or group of property.

“(2) Any council proposing to adopt a system of differential rating shall take such further action as it thinks fit, whether by notice to the individual ratepayers or otherwise, to disseminate among ratepayers information on the proposed system of differential rating.

“148. **Alteration to system of differential rating—**

(1) Subject to section 148A of this Act, the Council may from time to time, by special order, alter the system of differential rating as applied in the district or in any ward or special rating area, as the case may be, and section 147A of this Act shall, with the necessary modifications, apply in respect of every such alteration as if the resolution to make the special order were a resolution passed under that section.

“(2) For the purposes of subsection (1) of this section, any alteration to a particular stated relationship specified in the statement required under section 147A (1) (c) of this Act shall constitute an alteration to the system of differential rating.

“148A. **Certain changes not to comprise alteration to system of differential rating—**Where it is specified in the statement required under section 147A (1) (c) of this Act that the system of differential rating has, as a purpose, the object

of establishing and preserving as far as practicable a stated relationship between the total proceeds of rates received from any type or group or combination of types or groups of property and any other type or group or combination of types or groups of property, any change in the rate in the dollar made in respect of any type or group of property to preserve that stated relationship shall be deemed not to be an alteration to the system of differential rating for the purposes of section 148 of this Act.”

19. Expiry of certain systems of differential rating—

(1) Subject to subsection (2) of this section, the repeal of section 147 of this Act (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977) by section 18 of this Act shall not affect the validity of any system of differential rating adopted by a council before the commencement of this Act.

(2) Any system of differential rating adopted before the commencement of this Act that does not comply with section 147 of the principal Act (as substituted by section 18 of this Act) shall not continue in force beyond the 31st day of March 1982.

20. Revocation of differential rating—Section 149 of the principal Act (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977) is hereby amended by adding the following subsections:

“(3) The resolution to make the special order shall include a statement specifying the matters taken into account in proposing the revocation of the system of differential rating.

“(4) Every such statement shall be open for inspection by the public without fee, and the first public notice of the resolution to make the special order shall be given not less than 60 days before the date fixed for the confirmation of the resolution to make the special order, and shall state the times when and the places where the statement may be inspected.”

21. Levying of differential rate—Section 151 of the principal Act (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977) is hereby amended by omitting from subsection (1) the words “basis or bases”, and substituting the words “different types or groups of property”.

22. Water charges—Section 158 of the principal Act (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977) is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) Any uniform annual charge made and levied under subsection (1) of this section may be made and levied in respect of each separately occupied portion of any property.”

23. Water race charge—(1) Section 160 of the principal Act (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977) is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) The territorial authority may from time to time, by resolution publicly notified,—

“(a) Prescribe the charges to be paid for water supplied under Part XXV of this Act and the area of land that shall be liable for such charges:

“(b) Prescribe a scale of charges differing in any water race area from those in another, or differing in the several subdivisions of any water race area according to circumstances.”

(2) The Local Government Amendment Act 1979 is hereby amended by repealing so much of Part I of the Third Schedule as relates to section 160 of the principal Act.

24. Territorial authority may levy uniform annual charge instead of rates for certain purposes—(1) The principal Act is hereby amended by repealing section 164A (as enacted by section 7 (1) of the Local Government Amendment Act 1979), and substituting the following section:

“164A. (1) Instead of making and levying—

“(a) A works and services rate under section 142 of this Act; or

“(b) A lighting rate under section 143 (1) (d) of this Act; or

“(c) A recreation rate under section 143 (1) (e) of this Act; or

“(d) A telephone rate under section 143 (1) (g) of this Act; or

“(e) An underground conversion rate under section 143 (1) (h) of this Act; or

“(f) A harbour rate under section 143 (1) (l) of this Act,—

a territorial authority may, by resolution, make and levy a uniform annual charge or charges on every property in respect of which such rate or rates would be payable.

“(2) Different charges may be made and levied under this section in different parts of the district.”

(2) The Local Government Amendment Act 1979 is hereby amended by repealing so much of the Second Schedule as relates to section 164A of the principal Act.

25. Charges deemed to be rates—Section 167 of the principal Act (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977) is hereby amended by repealing the proviso.

26. Distribution of proceeds of local authorities petroleum tax—(1) Section 198 (2) of the principal Act (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977) is hereby amended by inserting in paragraph (a) (i), after the words “on its own behalf”, the words “or levied on its behalf under section 133 of this Act,”.

(2) Section 198 (2) of the principal Act (as so enacted) is hereby further amended by adding the following paragraph:

“(c) In relation to any component authority that is a regional council, includes all assessments made and levied under section 141 of this Act by that council within the tax area.”

27. Financial records—(1) The principal Act is hereby amended by repealing sections 202 and 203 (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977), and substituting the following section:

“202. (1) Every council shall keep financial records in such manner as may be required by this Act or prescribed by any regulations made under section 223 of this Act, and shall enter in those records, in a manner acceptable to the Audit Office, full and correct details of all money received and spent by the council.

“(2) Every council shall keep its financial records in such manner that clearly shows whether or not all transactions involving money received by way of loan raised under the Local Authorities Loans Act 1956 have been conducted as required by or under section 56 of that Act.

“(3) Every council shall keep its financial records in such manner that—

“(a) Any money received on trust; and

“(b) Any money received for special purposes—
is properly accounted for.

“(4) Every regional council shall keep its financial records in such manner that the allocation of the proceeds of—

“(a) Any regional rate levied under section 135 of this Act; and

“(b) Any regional works and services rate levied under section 140 of this Act; and

“(c) Any rate or assessment levied under section 141 of this Act; and

“(d) The distribution of the local authorities petroleum tax to the council under section 198 of this Act—
to the various activities and purposes carried on by the council, and the proper charging of the expenditure on those activities and purposes, is clearly recorded.

“(5) Every united council shall keep its financial records in such manner that the allocation of the revenue of the council, including the contributions paid to the council by any constituent authority or by the territorial authority for any out-district of the region, to the various activities and purposes carried on by the council, and the proper charging of the expenditure on those activities and purposes, is clearly recorded.

“(6) Every territorial authority shall keep its financial records in such manner that the allocation of the proceeds of—

“(a) Any general rate levied under section 136 of this Act; and

“(b) Any works and services rate levied under section 142 of this Act; and

“(c) Any separate rate levied under section 143 of this Act; and

“(d) Any uniform annual charge levied under any of the provisions of sections 158, 160, 162, 163, 164, and 164A of this Act—

to the various activities and purposes carried on by the authority, and the proper charging of the expenditure on those activities and purposes, is clearly recorded.

“(7) Subject to section 122 of this Act, every territorial authority shall keep its financial records in such manner that the allocation of the proceeds of—

- “(a) Any general rate levied in any ward or other division of the district under section 137 of this Act; and
- “(b) Any community general rate levied in any community under section 139 of this Act; and
- “(c) Any works and services rate levied in any part of a district under section 142 of this Act; and
- “(d) Any separate rate levied in any part of a district under section 143 of this Act; and
- “(e) Every improvement and development rate levied in any community under section 144 of this Act—
to the service of that ward, division, community, or part of a district, as the case may be, and the expenditure of that ward, division, community, or part of a district is clearly recorded”.

(2) The Local Government Amendment Act 1979 is hereby amended by repealing so much of the Second Schedule as relates to section 202 of the principal Act.

28. Remuneration of Mayor or Chairman and other members attending meetings as representative of council—Section 214 of the principal Act (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977) is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) Where, pursuant to a resolution of the council, any member of the council attends any conference or meeting as a representative of the council, not being a meeting of any other local authority of which he is a member, he shall be deemed, for the purposes of this section and any notice under subsection (1) of this section, to be attending a meeting of the council.”

29. Rates of interest—(1) The principal Act is hereby amended by repealing section 221 (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977), and substituting the following section:

“221. (1) Where, under this Act or any other Act, a council advances money to any person, it may, subject to any agreement between the council and that person, charge interest on the money advanced at a rate per annum of not more than 1 percent above the maximum rate for the time being fixed under section 9 of the Local Authorities Loans Act 1956 with respect to money to which that section applies, or such higher rate in any particular case as the Minister of Finance may authorise.

“(2) Where a Council is owed money under section 459 (6) or section 673 (1) of this Act, the council may, subject to any agreement between the council and that person, charge interest on the amount owing at a rate per annum of not more than 1 percent above the maximum rate for the time being fixed under section 9 of the Local Authorities Loans Act 1956 with respect to money to which that section applies, or such higher rate in any particular case as the Minister of Finance may authorise”.

(2) The Local Government Amendment Act 1979 is hereby amended by repealing so much of Part I of the Third Schedule as relates to section 221 of the principal Act.

30. Regulations relating to accounting—Section 223 of the principal Act (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977) is hereby amended by repealing paragraph (d), and substituting the following paragraph:

“(d) The establishment of such separate accounts as are specified in the regulations:”.

31. Sale or exchange of council land—(1) The principal Act is hereby amended by repealing section 230 (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977, and substituting the following section:

“230. (1) Except as provided in subsections (3) to (7) of this section, and subject to any other provision of this Act and to the provisions of any other enactment, the council, pursuant to a resolution made after notice has been given in accordance with subsection (2) of this section, may sell any land vested in the Corporation of the district, or exchange any such land, and in respect of any such exchange may give or receive any money for equality of exchange.

“(2) Public notice of the time and place of the meeting at which the resolution is to be submitted to the council and of the purport of the resolution (including the name of and number in the road, or some other readily identifiable description of the land) shall be given not less than 14 clear days before the date of the meeting, but no such notice shall be necessary in any case where the land is sold to any person who wishes to build a house thereon for the personal occupation of himself and his family or of occupying with his family any house already on the land.

“(3) Where any land vested in the Corporation of the district is sold or exchanged pursuant to subsection (1) of this section then, in any case where under subsection (2) of this section public notice is required to be given, the District Land Registrar shall, before registering the transfer of title to the land, be satisfied, by a certificate endorsed on the memorandum of transfer and signed by the principal officer of the council or by a solicitor of the High Court, that public notice complying with subsection (2) of this section has been properly given.

“(4) Where any land so sold or exchanged was at the time of the sale or exchange vested in the council in trust or as an endowment for any purpose or purposes, whether by or pursuant to any Act or any deed of trust or otherwise howsoever, then, notwithstanding anything in the instrument creating the trust or endowment, but subject to subsection (8) (d) of this section, all money received by the council upon the sale or exchange shall as soon as practicable be applied in or towards the purchase of other land to be held for the same purposes as the land so sold or exchanged or in accordance with subsection (5) of this section.

“(5) The Minister may, subject to subsection (8) of this section, authorise the council to apply all or part of the money so received in or towards the purchase or other acquisition of other land to be held for such other purposes as the Minister specifies.

“(6) If any land to which subsection (4) of this section applies is sold then, unless the Minister otherwise consents,—

“(a) The land shall not be sold for a price that is less than the capital value of the land, as determined by the Valuer-General under the Valuation of Land Act 1951 not earlier than 6 months before the date of the sale:

“(b) In the case of leased land to be sold to the lessee, the land shall not be sold for a price that is less than the unimproved value of the land plus the value of any improvements not formerly made by or purchased by the lessee, that price being determined by the Valuer-General under the Valuation of Land Act 1951 not earlier than 6 months before the date of the sale:

“(c) In the case of an exchange, the total of—

“(i) The capital value of the land received in exchange, as determined by the Valuer-General

under the Valuation of Land Act 1951 not earlier than 6 months before the date of the exchange; and

“(ii) Any money received by the council by way of equality of exchange,—

shall not be less than the capital value of the land given by the council in exchange, as determined by the Valuer-General under the Valuation of Land Act 1951 not earlier than 6 months before the date of the exchange:

“(d) In the case of an exchange between the council and the lessee of leased land, the total of —

“(i) The value of the land received by the council in exchange, as determined by the Valuer-General under the Valuation of Land Act 1951 not earlier than 6 months before the date of the exchange; and

“(ii) Any money received by the council by way of equality of exchange,—

shall not be less than the unimproved value of the land given by the council in exchange, plus the value of any improvements not formerly made by or purchased by the lessee, as determined by the Valuer-General under the Valuation of Land Act 1951 not earlier than 6 months before the date of the exchange.

“(7) Notwithstanding anything in subsection (4) of this section, the council may apply all or part of any money received under that subsection for or towards the provision of earthworks, grassing, drainage, tree planting, fencing, or protection of any land vested in the council as an endowment, or for or towards any other improvement of any kind of any such land that the council considers necessary for the proper use of the land as an endowment.

“(8) Nothing in this section shall be deemed—

“(a) To authorise the council to deal with any public reserve within the meaning of the Reserves Act 1977 otherwise than in accordance with that Act:

“(b) To authorise the council to deal with any land taken or otherwise acquired under the Public Works Act 1928, except in accordance with that Act:

“(c) To apply to the sale or exchange of any land by the council pursuant to the power conferred by section 345 of this Act or to any express power of sale or exchange conferred by any other Act:

“(d) To authorise the sale or exchange of any land vested in the council in trust or as an endowment if the sale or exchange of the land is prohibited by the instrument creating the trust or endowment.”

(2) The following enactments are hereby consequentially repealed:

(a) So much of Part I of the Second Schedule to the Local Government Amendment Act 1978 as relates to section 230 of the principal Act:

(b) So much of the Second Schedule to the Local Government Amendment Act 1979 as relates to section 230 of the principal Act.

32. Removal of Crown exemption from requirements relating to scheme plan of subdivision—Section 275 (1) of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1978) is hereby amended by repealing paragraph (b) of the proviso.

33. Bonds—(1) The principal Act is hereby amended by repealing section 304 (as enacted by section 2 of the Local Government Act Amendment Act 1978), and substituting the following section:

“304. (1) Subject, in the case of a subdivision to section 303 of this Act, where under any provision of this Part of this Act the council is empowered to require an owner to enter into a bond for the performance of any condition, the council may, in its discretion, require such security as the council thinks fit to be provided for the performance by the owner of the conditions of the bond.

“(2) Any such bond may at any time be varied or cancelled by agreement between the owner and the council.

“(3) Every bond given under this Part of this Act shall be deemed—

“(a) To be an instrument creating an interest in the land within the meaning of section 62 of the Land Transfer Act 1952, and may be registered accordingly; and

“(b) To be a covenant running with the land when registered under the Land Transfer Act 1952, and shall bind subsequent owners.

“(4) Where any bond given under this Part of this Act has been registered under the Land Transfer Act 1952 and has been varied or cancelled by any agreement under subsection (2) of this section or has expired, the District Land

Registrar shall, if he is satisfied that the bond has been so varied or cancelled or has expired, make an entry in the register and on any relevant instrument of title noting that the bond has been varied or cancelled or has expired, and the bond shall take effect as so varied or cease to have any effect as the case may be.

“(5) Where, pursuant to the provisions of any former enactment corresponding to this Part of this Act, the owner of any parcel of land, or his predecessor in title, has, before the commencement of this Part of this Act, become bound by any condition imposed by a council that, if it had been imposed under this Part of this Act could have been subject to a bond for its performance, this section shall apply with respect to that condition as if it were a condition in respect of which a bond has been entered into under this section, and any caveat lodged by the council to protect the interest created by the condition shall, on the registration of the bond, be deemed to have lapsed.

“(6) Notwithstanding anything in this Part of this Act, nothing in this Part shall require the Crown to give any bond.”

(2) The Local Government Amendment Act 1979 is hereby amended by repealing so much of the Second Schedule as relates to section 304 of the principal Act.

34. Certification by council of scheme plan for subdivision—Section 306 (1) of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1978) is hereby amended by repealing paragraph (g), and substituting the following paragraph:

“(g) The council has certified on the plan that—

“(i) It is in accordance with the requirements and provisions of the operative district scheme; or

“(ii) It was in accordance with the requirements and provisions of the operative district scheme that was in force at the date of approval of the scheme plan; or

“(iii) It is in accordance with a specified departure consented to under section 74 of the Town and Country Planning Act 1977.”

35. Plan approved subject to amalgamation or transfer of allotments—(1) Section 308 (3) of the principal Act (as enacted by section 2 of the Local Government Amendment

Act 1978) is hereby amended by repealing paragraph (a), and substituting the following paragraph:

“(a) To be an instrument capable of registration under the Land Transfer Act 1952, and, when so registered, to create in favour of the council an interest in the several parcels of land within the meaning of section 62 of that Act; and”.

(2) Section 308 (5) of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1978) is hereby amended by omitting the words “owing to the provisions of”, and substituting the words “because of the provisions of subsection (3) or”.

36. Issue of certificate of title relating to subdivision—Section 312 (2) of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1978) is hereby amended by repealing paragraph (f), and substituting the following paragraph:

“(f) The council has certified on the plan or on a copy thereof—

“(i) That the allotment is in accordance with the requirements and provisions of the operative district scheme; or

“(ii) That the allotment was in accordance with the requirements and provisions of the operative district scheme that was in force at the date of approval of the scheme plan; or

“(iii) That the issue of the certificate of title was authorised by a specified departure consented to under section 35 of the Town and Country Planning Act 1953 or section 74 of the Town and Country Planning Act 1977.”

37. Initial naming of roads—The principal Act is hereby amended by inserting, after section 319 (as enacted by section 2 of the Local Government Amendment Act 1978), the following section:

“319A. Where the council names any road for the first time, it shall, as soon as conveniently may be after doing so,—

“(a) Advise the District Land Registrar of the land registration district within which the land is situated, who shall note his records accordingly; and

“(b) Advise the Chief Surveyor of the land district within which the land is situated.”

38. Betterment arising from creation or widening of road—Section 326 (1) (b) of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1978) is hereby amended by omitting the words “land that”, and substituting the words “part of any land and the other part of that land”.

39. Rights in respect of private drains—Section 461 (1) of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1979) is hereby amended by omitting the expression “paragraph (c)”, and substituting the expression “paragraph (e)”.

40. Bylaws relating to charges for trade wastes disposal—Section 491 (1) (h) of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1979) is hereby repealed.

41. Charges relating to trade wastes—(1) Section 494 (1) of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1979) is hereby amended—

(a) By inserting, after the words “The charges”, the words “payable by the owner or occupier of trade premises”:

(b) By inserting in paragraph (b), after the words “in respect of the”, the word “treatment,”.

(2) Section 494 (3) (b) of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1979) is hereby amended by inserting, after the words “in respect of the”, the word “treatment,”.

42. New sections relating to trade wastes outside district substituted—The principal Act is hereby amended by inserting, after section 501 (as enacted by section 2 of the Local Government Amendment Act 1979), the following heading and sections:

*“Powers of Local Authority as to Trade Wastes Disposal
Outside District*

“501A. Local Authority may construct trade wastes disposal works outside district—Subject to the provisions of this Act or any other Act relating to pollution of waters or to nuisances, a local authority may construct such trade wastes treatment, reception, or disposal works as it thinks necessary through

any lands outside the district for the purpose of conveying trade wastes into the sea, or into any lagoon, river, or water-course, or to any place convenient for the purposes of treating or disposing of trade wastes.

“501B. Construction and repair of trade wastes disposal works outside district—The Fourteenth Schedule to this Act shall apply to such parts of any trade wastes disposal works as lie beyond the district.

“501c. Local authority may agree to use trade wastes works under control of other local authority—The local authority may agree with any local authority or other body for the use of any trade wastes treatment, reception, or disposal works under the control of that other local authority or other body for the purpose of conveying trade wastes upon such terms and conditions for that use, or for the alteration, enlarging, covering in, or maintenance of any part of those trade wastes treatment, reception, or disposal works as may be agreed on by the local authority and that other local authority or other body.

“501D. Local authority may deal with trade wastes from areas outside district—(1) The local authority may, with the consent of the local authority of any district, extend its trade wastes treatment, reception, or disposal system into any area within that district.

“(2) Where any local authority so extends its trade wastes treatment, reception, or disposal system, it may, at the request of the owner of any premises in that area, and on such terms and conditions as it determines, including the payment by the owner of any charges in respect of the service rendered by the connection, connect those premises with the system as so extended.

“(3) For the purposes of this section, all the provisions of this Part of this Act relating to trade wastes, and all the powers given to the local authority thereby, shall apply equally to all premises, places, persons, and things in any area to which the trade wastes treatment, reception, or disposal system of a local authority has been extended as if that area were within the district of that local authority.

“501E. Discontinuance of trade wastes system outside own district—(1) At any time, after giving not less than 12 months' notice in writing to the owner of its intention to do

so, the local authority may disconnect from its trade wastes treatment, reception, or disposal system any premises connected to its system under section 501D of this Act.

“(2) Where any local authority disconnects any premises from its trade wastes treatment, reception, or disposal system after giving the notice required by subsection (1) of this section, the local authority shall not be liable to the owner for any loss or damage suffered by him because the service is no longer rendered.”

43. Supply of energy to persons outside district—

(1) Section 525 of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1979) is hereby amended by inserting, after the words “it may” the words “, subject to section 20B of the Gas Industry Act 1958,”.

(2) Section 525 of the principal Act (as so enacted) is hereby further amended by repealing paragraph (b), and substituting the following paragraph:

“(b) Contract with any local authority or person carrying on business outside the district to supply such energy to that local authority or person upon such terms and conditions as may be mutually agreed upon.”

44. New heading and section inserted—The principal Act is hereby amended by inserting, after section 536A (as enacted by section 2 of the Local Government Amendment Act 1979), the following heading and section:

“Agreements for Supply of Energy

“536B. **Territorial authority, regional council, or united council may enter into arrangements with other bodies for the supply of energy—**In the exercise of its powers and functions under this Part of this Act, any territorial authority, regional council, or united council may enter into any contract or arrangement for sharing of profits, union of interest, co-operation, joint venture, reciprocal concession, or otherwise with any Government department, local authority, corporation, company, or person carrying on or engaged in, or about to carry on or engage in, any activity that the territorial authority, regional council, or united council is authorised to undertake under this Part of this Act.”

45. Council may guarantee payment of interest—(1) Section 596 (5) of the principal Act (as inserted by section 2 of the Local Government Amendment Act 1979) is hereby amended by inserting, after the words “of any money”, the words “(including any interest payable on that money)”.

(2) Section 598 (4) (b) of the principal Act (as inserted by section 2 of the Local Government Amendment Act 1979) is hereby amended by inserting, after the words “of any money”, the words “(including any interest payable on that money)”.

(3) Section 601 (5) (b) of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1979) is hereby amended by inserting, after the words “of any money”, the words “(including any interest payable on that money)”.

46. Definition of “residential elector” in relation to polls concerning uniform fees for community centres—Section 604 of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1979) is hereby amended by adding the following definition:

“‘Residential elector’ means any person who is qualified to be an elector of the district of the territorial authority and has his permanent home at a place within the community centre area.”

47. Residential electors may petition for and participate in poll relating to uniform fee for community centre—Section 610 (5) of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1979) is hereby amended by omitting the word “occupiers” in each place where it occurs, and substituting in each case the words “residential electors”.

48. Definition of term “apartment building”—Section 636 (1) of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1979) is hereby amended by repealing the definition of the term “apartment building”, and substituting the following definition:

“‘Apartment building’ means a building in which accommodation is provided for 3 or more families living independently of one another, with or without a common right to the use of cooking or laundry facilities, sanitary conveniences, entrances, passages,

stairways, or open spaces; and where necessary includes a portion of such a building or a combination of 2 or more such buildings or parts of such buildings; but does not include—

“(a) Any building comprising wholly or principally owner-occupier flats, except where the council is satisfied that the building is being used or is to be used solely or principally for letting purposes; or

“(b) Any single storey building comprising wholly or principally apartments each of which is completely self-contained and has its own separate outside entrance:”.

49. Licensing of itinerant traders on roads and state highways—(1) Section 684 of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1979) is hereby amended by repealing paragraph (41) of subsection (1), and substituting the following paragraphs:

“(41) Subject in the case of a State highway to the prior consent of the National Roads Board and to any conditions imposed by that Board, permitting hawkers, pedlars, keepers of stalls (including vehicles used as stalls) and keepers of mobile or travelling shops to occupy stands in such roads, public places, and State highways as the council thinks fit, and fixing charges in respect of those permits:

“(41A) Subject in the case of a State highway to the prior consent of the National Roads Board, prohibiting hawkers, pedlars, keepers of stalls (including vehicles used as stalls), and keepers of mobile or travelling shops to occupy stands—

“(a) In specified roads or State highways or parts of specified roads or State highways; or

“(b) Where the presence of the stall or stand is likely to cause an obstruction or a danger to traffic, in any public place adjoining specified roads or State highways or parts of specified roads or State highways:”.

(2) Section 684 of the principal Act (as so enacted) is hereby further amended by omitting from subsection (3) the words “(39), (40), and (41)”, and substituting the words “(39) to (41A)”.

50. Wilful or negligent destruction of or damage to works or property—Section 694 (1) of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1979) is hereby amended by inserting, after the words “on indictment”, the words “to imprisonment”.

51. Works on private land—Section 708 (1) of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1979) is hereby amended by omitting the words “in the district” in both places where they occur.

52. District Noxious Plants Authorities included in Part II of First Schedule—The First Schedule to the principal Act (as substituted by section 2 of the Local Government Amendment Act 1976) is hereby amended by inserting in Part II, after the item relating to Catchment Commissions, the following item:

“District Noxious Plants Authorities	}	1978, No. 15—The Noxious Plants Act 1978”.
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53. Amendments to Fourteenth Schedule—The Fourteenth Schedule to the principal Act (as enacted by section 6 of the Local Government Amendment Act 1979) is hereby amended—

- (a) By inserting in the heading, after the expression “477,”, the expression “501B,”:
- (b) By inserting in the heading, after the words “DRAINAGE WORKS,”, the words “TRADE WASTES SYSTEMS,”:
- (c) By inserting in clause 1, after the words “or drainage works”, the words “or trade wastes systems”:
- (d) By inserting in clause 3, after the words “or drainage works”, the words “or trade wastes systems”:
- (e) By inserting in clause 4, after the words “or drainage works”, the words “or trade wastes systems”.

54. Amendments to Sixteenth Schedule—The Sixteenth Schedule to the principal Act (as enacted by section 6 of the Local Government Amendment Act 1979) is hereby amended—

- (a) By omitting from clause 1 the words “in the district” in both places where they occur:
- (b) By adding to paragraph (a) of clause 1, after the words “within the district”, the words “in which the works are to be undertaken”.

PART II**AMENDMENTS OF OTHER ACTS**

55. Rural Housing Act 1939—Section 3 (2) of the Rural Housing Act 1939 is hereby amended by omitting the word “county”, and substituting the word “district”.

56. Harbours Act 1950—(1) Section 2 (1) of the Harbours Act 1950 is hereby amended by repealing the definition of the term “local authority” (as substituted by section 2 (3) of the Harbours Amendment Act 1977), and substituting the following definition:

“‘Local authority’ means a regional council, united council, city council, borough council, district council, county council, or town council:”.

(2) Section 2 (3) of the Harbours Amendment Act 1977 is hereby consequentially repealed.

(3) The Local Government Amendment Act (No. 3) 1977 is hereby amended by consequentially repealing so much of Part II of the Third Schedule as relates to the Harbours Act 1950.

57. Rating Act 1967—(1) Section 54 (2) of the Rating Act 1967 is hereby amended by inserting, after paragraph (c), the following paragraph:

“(ca) The allocation of the property to any type or group of property under any system of differential rating adopted under Part IX of the Local Government Act 1974:”.

(2) Section 57 (1) of the Rating Act 1967 is hereby amended by inserting, after paragraph (d), the following paragraph:

“(da) That a property is incorrectly allocated to any type or group of property under any system of differential rating adopted under Part IX of the Local Government Act 1974:”.

58. Local Government Amendment Act 1979—The Fourth Schedule to the Local Government Amendment Act 1979 is hereby amended as from the commencement of that Schedule—

- (a) By omitting from the item relating to the Land Drainage Amendment Act 1913 the words “Sections 7, 8, and 9”, and substituting the words “Sections 8 and 9”.
- (b) By omitting the item relating to the Land Drainage Amendment Act 1974.

This Act is administered in the Department of Internal Affairs.
