



ANALYSIS

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1989, No. 110

An Act to confer powers on certain public bodies and to authorise and validate certain transactions and other matters
 [20 November 1989]

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

1. Short Title—This Act may be cited as the Local Legislation Act 1989.

2. Manukau City Council: Vesting land in trustees of Te Puca Marae—(1) In this section, unless the context otherwise requires,—

“The said land” means the land described in subsection (7) of this section:

“Section 439” means section 439 of the Maori Affairs Act 1953.

(2) The reservation as recreation reserve of the land described in paragraphs (a) and (b) of subsection (7) of this section is hereby revoked.

(3) The road described in subsection (7) (c) of this section is hereby stopped.

(4) On the commencement of this Act, the said land shall vest in the persons in whom there is then vested all that parcel of land situated in Block V, Otahuhu Survey District containing

4047m², more or less, being Allotment 5A, Mangere Village, and being the land set apart and reserved as a Maori reservation by Order in Council made the 29th day of October 1947 and published in the *Gazette* at page 1746; but—

(a) The said land shall be deemed—

(i) To have been so vested under subsection (7) of section 439; and

(ii) To have been set apart under subsection (1) of section 439 for the common use of the Maori people of New Zealand as a meeting place and marae; and

(b) Subject to subsection (5) of this section, section 439 shall apply to the said land accordingly.

(5) Where, under subsection (5) of section 439, the reservation of the said land is cancelled, or any part of the said land is excluded from the reservation, the Registrar of the Maori Land Court in whose Registry the land or part is situated shall execute a transfer of it to the territorial authority for the time being of the district in which it is situated as a recreation reserve under the Reserves Act 1977 (in the case of the land described in subsection (7) (a) of this section or any part of it, without power of sale).

(6) The District Land Registrar of the Land Registration District of North Auckland shall register against the land comprised and described in certificate of title No. 52B/698 (North Auckland Registry) and, notwithstanding Caveat No. A537755, against the residue of the land comprised and described in certificate of title No. 211/174 (North Auckland Registry)—

(a) The revocation effected by subsection (2) of this section; and

(b) The vesting effected by subsection (4) of this section.

(7) The said land comprises—

(a) All that parcel of land comprising 2.0670 hectares, more or less, being part Section I, Block V, Otahuhu Survey District, and being part of the land comprised and described in certificate of title No. 211/174 (North Auckland Registry), and being more particularly shown marked “A” on S.O. Plan 56622 in the office of the Chief Surveyor at Auckland; and

(b) All that parcel of land comprising 610m², more or less, being Section 14 of Block V, Otahuhu Survey District, and being all the land comprised and described in certificate of title No. 52B/698 (North Auckland Registry); and

- (c) All that parcel of land comprising 3213m², more or less, being road adjoining—
- (i) Allotment 5A, Village of Mangere; and
 - (ii) Paro 16 Block; and
 - (iii) Allotment 74, Village of Mangere; and
 - (iv) Section I, Block V, Otahuhu Survey District,—
- and being more particularly shown marked “A” on S.O. Plan 56586 in the office of the Chief Surveyor at Auckland.

3. Otago Harbour Board: Validating unlawful reclamations—(1) The actions of the Otago Harbour Board in reclaiming the land described in subsection (3) of this section are hereby validated and deemed to have been lawful; and the land is hereby deemed to have been lawfully reclaimed.

(2) Nothing in subsection (1) of this section affects the validity of, or affects or prevents the making of, any claim under the Treaty of Waitangi or based on a right arising or alleged to arise out of the treaty (whether under the Treaty of Waitangi Act 1975 or otherwise).

(3) The land comprises first the parcel of land shown marked “A” on S.O. plan 21911 lodged in the office of the Chief Surveyor at Dunedin and containing 2700 m², more or less, and secondly the parcel of land shown on that plan marked “B” and containing 1100 m², more or less.

4. Thames-Coromandel District Council: Removal of trust from land—(1) Subject to this section, all trusts, reservations, and restrictions, to which the land described in subsection (8) of this section (hereafter in this section referred to as the library land) was subject immediately before the commencement of this Act (not being trusts, reservations, or restrictions applicable to all land vested in District Councils as successors to Borough Councils) are hereby cancelled and revoked.

(2) The Thames-Coromandel District Council (hereafter in this section referred to as the Council) shall not sell or exchange the library land unless—

- (a) The building that was on the library land immediately before the commencement of this Act (hereafter in this section referred to as the library building) has been demolished or removed from the library land; and

- (b) The Council has adopted and complied with the special consultative procedure in relation to the intention to sell or exchange the library land.
- (3) The Council shall not permit the library building to be demolished unless the Council—
- (a) Is satisfied that it has deteriorated to the point that it is effectively untenable; and
- (b) Has adopted and complied with the special consultative procedure in relation to the intention to permit it to be demolished.
- (4) The Council shall not permit the library building to be removed from the library land unless the Council—
- (a) Is satisfied that it will be re-erected on a site within, or within a reasonable distance of, the district of the former Thames Borough Council; and
- (b) Has adopted and complied with the special consultative procedure in relation to the intention to permit it to be removed from the library land.
- (5) Subsection (6) of this section applies to the library land, and to any land acquired by the Council—
- (a) In full or part exchange for any land to which that subsection applies; or
- (b) Out of the proceeds of the sale of any land to which that subsection applies.
- (6) The Council shall use within the district of the former Thames Borough Council only, and for library purposes only,—
- (a) Any income derived from land to which this subsection applies or from the library building; and
- (b) The net proceeds of the sale of any land to which this subsection applies; and
- (c) The net proceeds of any sale of the library building.
- (7) The District Land Registrar of the land registration district of South Auckland shall do all things, and make all entries in registers, necessary to give effect to subsection (1) of this section.
- (8) The land is all that parcel of land situated in the District of Thames-Coromandel containing 653 m², more or less, being Lots 691, 692, and 693 of the Kauaeranga No. 12 Block excepting all mines and minerals within or under the said land as excepted by conveyances 4382D (D11.198) and 4973D (D7.872), and being all the land comprised and described in certificate of title No. 560/84 (South Auckland Registry), limited as to parcels.

5. Tuakau Borough Council: Validating incorrectly expressed rates assessments—(1) In this section,—

“Affected property” means a rateable property situated in the former Borough of Tuakau:

“Higher rates”, in relation to an affected property, means those of the rates deemed under subsection (3) of this section to have been resolved to be made and levied that apply to it:

“Lower rates”, in relation to an affected property, means those of the rates described in subsection (2) of this section that, but for that subsection, would have applied to it.

(2) The several rates resolved to be made and levied by the Tuakau Borough Council on all affected properties in respect of the year ended with the 31st day of March 1987 at a duly notified meeting held on the 30th day of April 1986 are hereby deemed not to have been so made and levied.

(3) The Borough Council is hereby deemed to have lawfully resolved at that meeting that there be made and levied on all affected properties, in place of each of the lower rates, a rate higher by 5 percent than that lower rate.

(4) All of the Borough Council’s actions in levying, in respect of the said year on affected properties, amounts calculated on the basis of the higher rates are hereby validated and deemed to have been lawful.

(5) All money received by the Borough Council or the Franklin District Council in payment of rates for the said year on affected properties calculated on the basis of the higher rates, is hereby deemed to have been lawfully paid to and received by the Borough or District Council.

(6) Such part of the rates for the said year on any affected property, calculated on the basis of the higher rates, as has not yet been paid to the Borough Council or the Franklin District Council is hereby deemed to be lawfully payable to the District Council, and capable of being collected as if it had always been lawfully payable.

6. Waiheke County Council: Validating annual general charges—Notwithstanding that the annual general charges of \$48 for residential properties and \$150 for commercial and industrial properties within the central riding of the District of the former Waiheke County Council resolved to be made and levied in respect of the year that ended with the 31st day of March 1986 by the County Council at its duly notified meeting held on the 25th day of July 1985 were invalid by virtue of their

not being uniform as required by section 157A of the Local Government Act 1974,—

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

7. Wairoa County Council: Validating unlawful loan— Notwithstanding the failure of the former Wairoa County Council to comply with the requirements of the Local Authorities Loans Act 1956 to—

- (a) Pass a resolution to raise a loan; and
- (b) Provide public notification of its intention to raise a loan; and
- (c) Pass a resolution confirming a resolution to raise a loan,— the actions of the Council in raising, on the 28th day of November 1984, the loan known as the Staff Housing Loan 1984 are hereby validated and deemed to have been lawful, and the loan is hereby validated and deemed to have been and to continue to be lawful.

8. Wairoa District Council: Removal of trust from land—(1) Subject to subsection (2) of this section, all trusts, reservations, and restrictions, to which the land described in subsection (5) of this section (hereafter in this section referred to as the library land) was subject immediately before the commencement of this Act (not being trusts, reservations, or restrictions applicable to all land vested in District Councils as successors to County Councils) are hereby cancelled and revoked.

(2) Subsection (3) of this section applies to the library land, and to any land acquired by the Wairoa District Council—

- (a) In full or part exchange for all or any part of any land to which the subsection applies; or

- (b) Out of the proceeds of the sale of any land to which the subsection applies.
- (3) The council shall use for library purposes only—
 - (a) Any income derived from land to which this subsection applies; and
 - (b) The net proceeds of the sale of any land to which this subsection applies; and
 - (c) Until it is sold or otherwise disposed of, all land to which this subsection applies.
- (4) The District Land Registrar of the land registration district of Gisborne shall do all things, and make all entries in registers, necessary to give effect to subsections (1) and (3) of this section.
- (5) The land is all that parcel of land containing 1011 m², more or less, being section 61, Town of Frasertown, being part Block XIII, Opotiki Survey District, and being all the land comprised and described in certificate of title No. 107/82 (Gisborne Registry), limited as to parcels and title.

9. Repeals and savings—(1) The enactments specified in the Schedule to this Act are hereby repealed.

(2) The repeal by subsection (1) of this section of any enactment does not affect the validity or effect of anything done or validated by the enactment or, before the commencement of this Act, done under the enactment.

Section 9

SCHEDULE**ENACTMENTS REPEALED**

- 1879, No. 1 (L)—The City of Auckland Loans Consolidation Act 1879.
- 1885, No. 20 (L)—The Borough of Invercargill Loans Consolidation Act 1885.
- 1903, No. 9 (L)—The City of Christchurch Special Loans Enabling Act 1903.
- 1911, No. 6 (L)—The Papakaio Water-race District Validation Act 1911.
- 1912, No. 1 (L)—The Tatum Trust Revocation Act 1912.
- 1921, No. 3 (L)—The Invercargill Borough Council Special Rate Empowering Amendment Act 1921.
- 1922, No. 26 (L)—The Horouta District Licensing Poll Act 1922.
- 1924, No. 5 (L)—The Wanganui City Council Special Rate Empowering and Enabling Act 1924.
- 1925, No. 12 (L)—The Whangarei Harbour Board Empowering Act 1925.
- 1930, No. 2 (L)—The Rotorua Borough Empowering Act 1930.
- 1933, No. 4 (L)—The Greymouth Borough Relief of Unemployment Loan Validation Act 1933.
- 1933, No. 5 (L)—The Bay of Plenty Licensing Committee Enabling Act 1933.
- 1934, No. 7 (L)—The Greymouth United Borough Rating Empowering Act 1934.
- 1934, No. 11 (L)—The Woodlands Drainage Board (Rating) Validation Act 1934.
- 1941, No. 3 (L)—The Lower Hutt City Empowering and Rates Consolidation Act 1941.
- 1944, No. 11 (L)—The Carterton Borough Empowering Act 1944.
- 1950, No. 6 (L)—The Huntly Borough Empowering Act 1950.
- 1951, No. 14 (L)—The Oamaru Harbour Board Rating Act 1951.
- 1952, No. 1 (L)—The Manawatu Catchment Board Empowering Act 1952.
- 1952, No. 20 (L)—The Tauranga County Council Empowering Act 1952.
- 1952, No. 9 (L)—The New Lynn Borough Empowering and Rates Consolidation Act 1952.
- 1952, No. 15 (L)—The Western Waiheke Road Board Empowering Act 1952.
- 1952, No. 16 (L)—The Timaru City Rates Consolidation Act 1952.
- 1953, No. 7 (L)—The Southland Catchment Board Empowering Act 1953.
- 1953, No. 11 (L)—The Kamo Town Board Empowering Act 1953.
- 1954, No. 5 (L)—The Onerahi Town Board Empowering Act 1954.
- 1954, No. 7 (L)—The Dargaville Borough Empowering Act 1954.
- 1954, No. 12 (L)—The Kaitia Borough Empowering Act 1954.
- 1955, No. 3 (L)—The Rawene Town Council Empowering Act 1955.
- 1957, No. 7 (L)—The Rangiora Borough Empowering Act 1957.
- 1958, No. 2 (L)—The Warkworth Town Council Empowering Act 1958.
- 1958, No. 5 (L)—The Putaruru Borough Empowering Act 1958.
- 1960, No. 1 (L)—The Te Kauwhata Town Council Empowering Act 1960.
- 1961, No. 7 (L)—The Otamatea County Empowering (Community Centres) Act 1961.
- 1962, No. 18 (L)—The Akaroa County Council Empowering Act 1962.

SCHEDULE—*continued*

- 1962, No. 2 (L)—The Clutha County Empowering (Community Centres) Act 1962.
- 1965, No. 14 (L)—The Waikohu County Council Empowering Act 1965.
- 1968, No. 16 (L)—The Wanganui Bridge Act 1968.
- 1969, No. 6 (L)—The Clutha County Council Empowering (Community Centres) Amendment Act 1969.
- 1978, No. 3 (L)—The Tuakau Borough (Rates Validation) Act 1978.

This Act is administered in the Department of Internal Affairs.
