



## ANALYSIS

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1956, No. 10—*Local*

**An Act to empower the Northcote Borough Council to acquire certain land within the Borough of Northcote, and to develop such land and other land of the Corporation for commercial and industrial purposes**

[25 October 1956]

WHEREAS the Northcote Borough Council has caused plans to be prepared for the development as commercial and industrial areas of the pieces of land described in the Schedules to this Act, some of which the said Council already owns and the balance of which it is now desirous of acquiring for development as aforesaid: And whereas the said Council is desirous that after having developed the areas and made provision for essential services therein or therefor the said land should be sold or leased in separate sites for commercial or industrial purposes:

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 Northcote Borough Empowering Act 1956.

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

“Borough” means the Borough of Northcote:

“Corporation” means the body corporate consisting of the Mayor, Councillors, and Citizens of the Borough of Northcote:

“Council” means the Northcote Borough Council.

**3. Power to acquire land for development**—(1) The Council is hereby empowered to purchase, take, or otherwise acquire under the Public Works Act 1928, or the Land Act 1948, for the purposes of this Act, the land described in the First Schedule to this Act.

(2) Subject, in the case of the land commonly known as Maori Track (as described in the Third Schedule to this Act), to the provisions of section seven of this Act, the land described in the Second Schedule to this Act, being land already owned by the Corporation, shall be deemed to have been purchased, taken, or acquired under the provisions of subsection one of this section, and may be dealt with as hereinafter provided.

**4. Power to develop land**—Subject to the provisions of section seven of this Act, the Council may subdivide or resubdivide all or any of the land described in the First and Second Schedules to this Act into suitable commercial or industrial allotments, and may construct thereon streets, service lanes, and access ways and such other public works as may be deemed necessary for the use, convenience, and enjoyment of the land for commercial or industrial purposes, and may provide services or develop the land as commercial or industrial building sites.

**5. Power to sell and lease or build for commercial and 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), the Council may in respect of any or all of the land subdivided in accordance with section four of this Act—

- (a) Sell any allotment upon such terms, and to such person desirous of building thereon for the said commercial or industrial purposes, as in its absolute discretion it thinks fit:

- (b) Lease any allotment upon such terms, for such consideration, at such rental, and to such person desirous of building thereon for the said commercial or industrial purposes, as in its absolute discretion it thinks fit:
- (c) Erect upon any allotment any buildings or other structures for the aforesaid commercial or industrial purposes, and, if it thinks fit, alter, enlarge, repair, or improve such buildings or structures and fit up the same with partitions, fittings, and fixtures as commercial or industrial premises, and then sell or lease any allotment upon which such a building or structure has been erected and other improvements effected upon such terms, or, as the case may require, for such consideration and at such rental, and to such person desirous of occupying the same for industrial or commercial purposes, as the Council in its absolute discretion thinks fit.

**6. Leases to be under sections 151, 152, and 155 of Municipal Corporations Act 1954**—Every lease granted under section five of this Act shall be granted in accordance with the provisions of sections one hundred and fifty-one, one hundred and fifty-two, and one hundred and fifty-five of the Municipal Corporations Act 1954, and may contain such covenants, conditions, and provisions, not being contrary to the provisions of those sections, as the Council thinks fit:

Provided that nothing herein contained or implied shall be construed as making section one hundred and fifty-three of the Municipal Corporations Act 1954 apply to leases granted in pursuance of this Act, and such leases shall not be subject to the conditions and exceptions contained in the said section one hundred and fifty-three.

**7. Maori Track**—Notwithstanding anything contained or implied in section one hundred and ninety of the Municipal Corporations Act 1954 (which relates to the disposal of land contained in a street which has been duly stopped), when the land described in the Third Schedule to this Act ceases to be a public street that land shall for the purposes of this Act be deemed to have been acquired hereunder and may be developed and dealt with in accordance with the provisions of this Act.

**8. Powers as to loans**—The Council may from time to time raise a special loan under the Local Bodies' Loans Act 1926 for any of the purposes mentioned in sections three and four and paragraph (c) of section five of this Act, and for the construction of streets and the provision of sewerage, drainage, electricity, gas, water supply, and other services and amenities on land used or intended to be used for commercial or industrial purposes under any of those sections.

**9. Proceeds of sale or lease of buildings or commercial or industrial sites**—(1) All money received by the Council on the sale or lease of any land, with or without buildings thereon, pursuant to this Act shall be paid by the Council into a separate account to be known as the Commercial and Industrial Sites Development Account.

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

(a) In reimbursement of the General Account of an amount to cover administrative charges in respect of the acquisition and development of any land acquired under this Act and the sale or lease thereof, not exceeding five per cent 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 structures or the effecting of other improvements):

(b) In repayment of any money borrowed to meet any expenditure incurred under sections three and four and paragraph (c) of section five of this Act in respect of any land acquired under this Act and any interest and sinking fund payments in respect of any money so borrowed:

(c) In reimbursement of the General Account or any other account of any money expended out of that account under the said sections three and four and paragraph (c) of the said section five in respect of any land acquired under this Act:

(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, not exceeding five per cent of the gross revenue received therefrom.

(3) After satisfaction of all the payments under subsection two of this section, money from time to time accruing to the

Commercial and 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 carry out under the Municipal Corporations Act 1954 or any other Act.

(4) Nothing in section twenty of the Finance Act 1934 shall apply with respect to any money to which subsection one of this section applies.

**10. Power to make bylaws—**(1) The Council may make such bylaws applicable to the said land 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:
- (c) Prescribing the terms and provisions of the sales and leases by the Council of the commercial or industrial allotments permitted under this Act and, if it thinks fit, making provision for preference to be given to ex-servicemen in such sales or leases:
- (d) Prescribing the classes, construction, and siting of the buildings and improvements to be erected on the aforesaid allotments:
- (e) Regulating and controlling pedestrian or vehicular traffic thereon and, if it thinks fit, prohibiting vehicular traffic thereon or on any part thereof.

(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.

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## SCHEDULES

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### FIRST SCHEDULE

#### LAND AUTHORISED TO BE ACQUIRED

1. All that area situated between College and Lake Roads to the south of the Northcote Intermediate School site and to the north of the Housing Department block on Exmouth Road containing 10 acres 3 roods, more or less, and being more particularly described as Lot 1, H.D.A. Plan 31312, being part Lots 24, 25, 48, 49, and Lot 50, on Deposited Plan No. 21894, and being part Allotments 42 and 43 of the Parish of Takapuna, and being part of the land comprised and described in certificate of title, Volume 1110, folio 59, Auckland Registry.

FIRST SCHEDULE—*continued*

2. All those areas having a frontage to Rodney Road containing 15·4 perches, more or less, being part Lot 4, and 1 rood 26·1 perches, more or less, being part Lot 5, Deposited Plan No. 42376, both being part Allotment 52 of the Parish of Takapuna, and being part of the land comprised and described in certificate of title, Volume 1054, folio 293, Auckland Registry.

3. All that area containing 21·9 perches, more or less, being part Lot 12, Deposited Plan No. 16836, being part Allotment 52 of the Parish of Takapuna, and being part of the land comprised and described in certificate of title, Volume 800, folio 192, Auckland Registry.

4. All that area having a frontage to Church Street containing 7·7 perches, more or less, being part of the land on Deposited Plan No. 4976, being part of Allotment 52 of the Parish of Takapuna, and being part of the land comprised and described in certificate of title, Volume 171, folio 159, Auckland Registry.

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## SECOND SCHEDULE

## LAND OWNED BY CORPORATION

1. All that area containing 4 acres and 5·5 perches, more or less, being Lot 6, Deposited Plan No. 42376, being part Allotment 52 of the Parish of Takapuna and part of Little Shoal Bay, and being all the land comprised and described in certificate of title, Volume 1135, folio 18, Auckland Registry.

2. All that area being public street and commonly known as Maori Track containing 1 rood 5 perches, more or less, being part Allotment 52 of the Parish of Takapuna, and being all the land comprised and described in certificate of title, Volume 558, folio 179, Auckland Registry.

## THIRD SCHEDULE

## MAORI TRACK

ALL that area being public street and commonly known as Maori Track containing 1 rood 5 perches, more or less, being part Allotment 52 of the Parish of Takapuna, and being all the land comprised and described in certificate of title, Volume 558, folio 179, Auckland Registry.