



# Point England Development Enabling Act 2017

Public Act      2017 No 28  
Date of assent      28 June 2017  
Commencement      see section 2

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**The Parliament of New Zealand enacts as follows:**

**1      Title**

This Act is the Point England Development Enabling Act 2017.

## 2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

## Part 1 Preliminary provisions

### 3 Interpretation

In this Act, unless the context otherwise requires,—

**Auckland combined plan** has the same meaning as in section 116(1) of the Local Government (Auckland Transitional Provisions) Act 2010

**Auckland Council** has the same meaning as in section 4(1) of the Local Government (Auckland Council) Act 2009

**commencement date** means the date on which this Act comes into force

**development land** means the land that is 11.6921 hectares, more or less, being Section 1 Survey Office Plan 503726

**Housing Act Minister** means the Minister of the Crown responsible for the administration of the Housing Act 1955

**Point England Reserve** means the land that is 45.4259 hectares, more or less, being Lot 1 Deposited Plan 44920, all computer freehold register NA26B/1115

**remaining reserve land** means the land that is 32.9213 hectares, more or less, being Section 2 Survey Office Plan 503726.

### 4 Act binds the Crown

This Act binds the Crown.

### 5 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in Schedule 1 have effect according to their terms.

## Part 2 Provisions to facilitate development

### 6 Development land to be available for housing development

(1) On the commencement date,—

- (a) the Point England Reserve is subdivided into the development land and the remaining reserve land; and
- (b) the reservation of the development land as a recreation reserve subject to the Reserves Act 1977 is revoked; and
- (c) the fee simple estate in the development land vests in the Crown; and

- (d) the development land is set apart for State housing purposes (as defined in section 2(1) of the Housing Act 1955) and becomes State housing land under that Act; and
  - (e) the Auckland combined plan is deemed to be amended to change the zoning of the development land to Residential – Mixed Housing Urban.
- (2) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to the subdivision under subsection (1)(a).
  - (3) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation under subsection (1)(b).
  - (4) Nothing in this Act affects any other interest in or affecting the development land (for example, any existing lease or licence).

## **7 Computer freehold registers**

- (1) As soon as practicable after the commencement date, the chief executive of the department responsible for the administration of this Act must apply in writing to the Registrar-General of Land for computer freehold registers to be prepared in accordance with this section.
- (2) On receipt of the application, the Registrar-General must create separate computer freehold registers for the development land and the remaining reserve land.
- (3) On the register for the development land, the Registrar-General must record the following:
  - (a) that the Crown is the registered proprietor of the fee simple estate in the land:
  - (b) that the land is set apart for State housing purposes for the purposes of the Housing Act 1955:
  - (c) a memorial under section 148 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 as if the chief executive of LINZ had issued a certificate under that section specifying that the development land is RFR land (as defined in section 118 of that Act):
  - (d) any other interest that is registered, notified, or notifiable and is described in the application.
- (4) On the register for the remaining reserve land, the Registrar-General must record the following:
  - (a) that the land is a recreation reserve subject to the Reserves Act 1977:
  - (b) that the Auckland Council is the registered proprietor of the land:
  - (c) a memorial under section 148 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 as if the chief executive of LINZ had issued a certificate under that section specifying that the remaining reserve land is RFR land (as defined in section 118 of that Act):

- (d) any other interest that is registered, notified, or notifiable and is described in the application.

## **8 Rezoning**

- (1) As soon as practicable after the commencement date, the Auckland Council must amend the Auckland combined plan to reflect the amendment deemed to have been made by section 6(1)(e).
- (2) The Auckland Council must do so without using the process in Schedule 1 of the Resource Management Act 1991.
- (3) Section 6(1)(e) and this section do not prevent any subsequent amendment of the Auckland combined plan to further change the zoning of the development land in accordance with the Resource Management Act 1991 or any other enactment.

## **9 Exercise of powers under Housing Act 1955**

The Housing Act Minister must not perform or exercise any of the functions, powers, or duties that he or she has under the Housing Act 1955 (other than section 2A(1) of that Act) in relation to any proposed development of the development land unless the Housing Act Minister has consulted the following bodies about the proposed development:

- (a) the Auckland Council;
- (b) the Tāmaki Redevelopment Company Limited;
- (c) the Maungakiekie–Tāmaki Local Board established under section 10 of the Local Government (Auckland Council) Act 2009.

## **10 Management plan for remaining reserve land deemed to be amended**

- (1) On the commencement date, the management plan is deemed to be amended so that,—
  - (a) on and after the expiry of 6 months from the commencement date (and despite sections 53(1)(a)(ii) and 71 to 74 of the Reserves Act 1977), farming or grazing are not permitted on any part of the remaining reserve land; and
  - (b) on and after the expiry of 12 months from the commencement date, the Auckland Council must provide at least 5.3 hectares of minimum standard sports fields on the remaining reserve land; and
  - (c) as soon as practicable after the expiry of those 12 months, the Auckland Council must increase the area of minimum standard sports fields on the remaining reserve land to at least 8.4 hectares.
- (2) As soon as practicable after the commencement date, the Auckland Council must amend the management plan (in accordance with the procedures set out in the Reserves Act 1977) to reflect the amendments deemed to have been made by subsection (1).

- (3) This section does not prevent any subsequent review, amendment, or replacement of the management plan in accordance with the Reserves Act 1977, but the management plan must continue to include provisions to the effect set out in subsection (1)(a) to (c) until after the expiry of 10 years from the commencement date.
- (4) In this section,—
- management plan** means the management plan for the remaining reserve land that is in force from time to time under section 41 of the Reserves Act 1977
- minimum standard sports fields** means sports fields that are of at least the same quality, and that are maintained to at least the same standard, as the sports fields that were on the Point England Reserve immediately before the commencement date
- sports fields** includes related structures and infrastructure (such as goal posts, lights, and changing rooms) but does not include other sporting facilities (such as a swimming pool) or car parks.

#### **11 Interests in remaining reserve land not affected**

Nothing in this Act, other than section 10, affects any interest in or affecting the remaining reserve land (for example, any existing lease or licence).

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## Schedule 1

### Transitional, savings, and related provisions

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### Part 1

#### Provisions relating to this Act as enacted

There are no transitional, savings, or related provisions relating to this Act as enacted.

#### Legislative history

7 December 2016	Introduction (Bill 223–1)
13 December 2016	First reading and referral to Local Government and Environment Committee
13 April 2017	Reported from Local Government and Environment Committee
23 May 2017	Second reading
21 June 2017	Committee of the whole House (Bill 223–2)
27 June 2017	Third reading
28 June 2017	Royal assent

This Act is administered by the Ministry of Business, Innovation, and Employment.