

New Zealand.



ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Definitions. 3. Council may appropriate land usable for any public work to any other public work. 4. Power to impose construction of drains on owners subdividing land. 5. Extension of time for completion of Evans Bay reclamation. 6. Power to close portion of Evans Bay Road and vest it in the Hataitai Land Co., Ltd. 7. Declaring certain ways to be public streets. 8. Special orders relating to loans to be unassailable after three months. 9. Diversion of certain reserves for establishment of aerodrome at Lyall Bay. | <ol style="list-style-type: none"> 10. Extension of time within which Council's authority to borrow moneys conferred by ratepayers may be exercised. 11. Council authorized to permit encroachment of Show Building on right-of-way adjacent to Westland Road. 12. Amendment of paragraph (e) of section 6 of the Wellington City Empowering and Amendment Act, 1924. 13. Alternative method of disposal of proceeds of sale of the Mangahao Endowment of the Corporation. 14. Power to transfer portion of Keringa Street and portion of Town Belt to Fire Board Schedules. |
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1929, No. 12.—*Local and Personal.*

AN ACT to authorize the Corporation to alter the Purpose of Land appropriated to Public Works; to require Owners subdividing Lands to construct Drains; to extend the Time for the Construction of the City's Evans Bay Reclamation; to close Portion of Evans Bay Road and vest same in the Hataitai Land Company, Limited; to declare certain Ways to be Public Streets; to provide that Special Orders raising Special Loans shall be unassailable on the Passing thereof; to authorize the Council to establish an Air-port at Lyall Bay; to extend the Time for raising certain Special Loans; to authorize the Council to permit Encroachment of Show Buildings on Right-of-way adjacent to Westland Road; to amend the Wellington City Empowering and Amendment Act, 1924; to authorize an Alternative Method of Disposal of Proceeds of Sale of the Mangahao Endowment of the Corporation; and to empower the Corporation to transfer to the Wellington Fire Board Portion of Keringa Street and Portion of Town Belt. [1st November, 1929.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Wellington City Empowering and Amendment Act, 1929. Short Title.

Definitions.

2. In this Act, if not inconsistent with the context,—

“City” means the City of Wellington:

“Corporation” means the Corporation of the Mayor, Councillors, and Citizens of the City of Wellington:

“Council” means the Wellington City Council.

Council may appropriate land usable for any public work to any other public work.

3. (1) The Council may from time to time, by special order, declare that any land taken or appropriated for any specific public work and not required for the purpose for which it was taken shall be used for the purpose of any other public work which the Corporation is authorized to carry out.

(2) On proof of the passing of any such special order the District Land Registrar at Wellington shall, on the application of the Council, note on the certificate of title to the land affected by any such special order the public work for which the Council desires to use such land.

Power to impose construction of drains on owners subdividing land.

4. (1) The Wellington City Council may, in consenting to any subdivision of land under the provisions of the Wellington City Empowering Act, 1917, or under section three hundred and thirty-five of the Municipal Corporations Act, 1920, impose such conditions as to the construction by the owner of the land of public and private drains for the disposal of sewage and storm-water from the said land as such Council thinks fit.

(2) For the purposes of the enactments specifically mentioned in subsection one of this section any division of land to which the said statutory provisions relate, whether into two or more allotments, shall be deemed to be a subdivision of that land for the purposes of sale if at least one of the allotments is intended for disposal by way of sale.

(3) Any person aggrieved by any decision of the Council under this section shall have the same right of appeal as is granted to an aggrieved person under the said section three hundred and thirty-five of the Municipal Corporations Act, 1920, and the provisions of that section as to appeals shall apply accordingly.

Extension of time for completion of Evans Bay Reclamation.

5. Subsection one of section seven of the Wellington City Reclamation and Empowering Act, 1906, as amended by section eleven of the Wellington City Empowering and Amendment Act, 1924, is hereby further amended by omitting the word “twenty-four,” and substituting the word “twenty-nine.”

Power to close portion of Evans Bay Road and vest it in the Hataitai Land Co., Ltd.

6. The portion of Evans Bay Road described in the First Schedule hereto is hereby closed and vested in the Hataitai Land Company, Limited, in pursuance of an agreement made between the said company and the Corporation for the exchange of this land for certain other adjacent land already transferred to the Corporation for the purpose of widening Evans Bay Road.

Declaring certain ways to be public streets.

7. (1) The portion of Palliser Road lying between Shannon Street and the Town Belt, now used by the public as a highway, is hereby declared to be a street, and vested in the Corporation accordingly.

(2) The land described in the Second Schedule hereto, being the way leading from Tennis-court Road to the Khandallah Railway-station, is hereby declared to be a street, and vested in the Corporation accordingly.

8. No special order passed by the Council for the purpose of raising loans shall after the passing thereof be quashed by any proceedings in any Court or otherwise, unless such proceedings are commenced within three months after the date of the passing of the first resolution made by the Council in respect of the special order.

Special orders relating to loans to be unassailable after three months.

9. (1) The land described in the Third Schedule hereto, comprising, *inter alia*, part of the land vested in the Corporation pursuant to section sixty-seven of the Reserves and other Lands Disposal and Public Bodies' Empowering Act, 1912, and referred to in the Schedule to that Act as the recreation and manœuvre ground, is hereby declared to be vested in the Corporation, and shall hereafter be held in trust for an aerodrome and general aviation purposes and freed from all former trusts and reservations relating thereto, but subject to the following provisions:—

Diversion of certain reserves for establishment of aerodrome at Lyall Bay.

(a) The Minister of Defence shall have the right at all times hereafter to the use of the said aerodrome for the landing and departure of aircraft of the New Zealand Air Force without fee or charge of any kind whatsoever, but subject to the regulations or by-laws lawfully made controlling the use of the said aerodrome:

(b) The Minister of Defence shall have the right to erect for the exclusive use of members of the New Zealand Defence Forces a hangar covering a superficial area of not more than two thousand square feet in a position to be agreed on by the General Officer Commanding the Forces and the City Engineer.

(2) The balance of the land described in the Schedule to the Reserves and other Lands Disposal and Public Bodies' Empowering Act, 1912, as the recreation and manœuvre ground, and vested by section sixty-seven of that Act in the Corporation, shall hereafter be held by the Corporation in trust for a pleasure-ground within the meaning of the Municipal Corporations Act, 1920, and freed from the restrictions and obligations imposed pursuant to the said section sixty-seven, but subject to the following provisions:—

(a) The Minister of Defence shall have the right to select in a position to be agreed on with the Council an area of two acres to be used for defence purposes and to enclose such area and erect thereon such buildings as may be required:

(b) The Minister of Defence shall have the right to the use of the said recreation-ground for ceremonial parades on any days when events of national importance are being celebrated, not less than one month's notice being given to the City Council of the intention to exercise the right:

(c) The Minister of Defence shall have the right to the use for drill purposes on Wednesdays and Saturdays in each week of seven and a half acres of the said recreation-ground in a position to be from time to time selected by the City Council.

10. Section fourteen of the Wellington City Empowering and Amendment Act, 1924, is hereby amended by repealing the words "within ten years after the taking of the poll aforesaid," and substituting therefor the words "within fifteen years after the taking of the poll aforesaid."

Extension of time within which Council's authority to borrow moneys conferred by ratepayers may be exercised.

Council authorized to permit encroachment of Show Building on right-of-way adjacent to Westland Road.

Amendment of paragraph (e) of section 6 of the Wellington City Empowering and Amendment Act, 1924.

Alternative method of disposal of proceeds of sale of the Mangahao Endowment of the Corporation.

Power to transfer portion of Keringa Street and portion of Town Belt to Fire Board.

Schedules

11. Whereas the Wellington Show Association, Incorporated, in erecting the building on the Town Belt pursuant to the Wellington City Exhibition Grounds Act, 1927, without authority of law constructed portion of the building on the right-of-way giving access to the playground south of the said building: Now, therefore, the Council is hereby authorized to permit such encroachment for such period and on such terms as the Council in its absolute discretion thinks fit.

12. Paragraph (e) of section six of the Wellington City Empowering and Amendment Act, 1924, is hereby amended by inserting, after the words "constructing and paving any such," the words "new street."

13. (1) The Council is hereby empowered, in lieu of investing the purchase-moneys referred to in section four of the Wellington City Mangahao Endowment Sale Empowering Act, 1924 (hereinafter termed the said Act), as provided by such section, to use the said purchase-moneys for street-widening purposes in the City of Wellington, being the purposes to which the proceeds of the sale of the land described in the Fourth Schedule hereto would be applicable if the said land were sold under the statutes authorizing the sale of the same, and by resolution to appropriate as an endowment for municipal purposes in the City of Wellington the land described in the Fourth Schedule hereto, being land purchased for street-widening purposes and now subject to sale by the Corporation.

(2) The Council may lease the land described in the Fourth Schedule hereto under the provisions of the Municipal Corporations Act, 1920, but the said land shall not after the passing of this Act be alienable by the City Council in any other manner.

14. The Corporation is hereby authorized to transfer to the Wellington Fire Board, pursuant to the provisions of the Fire Brigades Act, 1926, as part of the Constable Street Fire-station, not only the land comprised in certificate of title, Volume 361, folio 254 (being the land vested in the said Corporation for fire-brigade purposes), but also the portion of Keringa Street and the portion of the Town Belt described in the Fifth Schedule hereto, and the said land and buildings shall be valued accordingly.

SCHEDULES.

FIRST SCHEDULE.

ALL that parcel of land, containing by admeasurement 3·96 perches, be the same a little more or less, and bounded as follows: commencing at the eastern end of the boundary-line between Lots 24 and 25, D.P. 7425; thence on a bearing of 344° 29' for a distance of 74·69 links; thence on a bearing of 27° 25' for a distance of 97·32 links; and finally on a bearing of 188° 54' 13" for a distance of 160·30 links, to the point of commencement: the whole being a portion of Evans Bay Road, situated in the City of Wellington.

SECOND SCHEDULE.

ALL those parcels of land, containing by admeasurement 22·64 perches, be the same a little more or less, being part Section 3, Porirua Registration District, and part closed road, Block XI, Belmont Survey District: as the same is more particularly delineated on plan S.O. 258/126, deposited at the office of the Chief Surveyor at Wellington, and thereon coloured red and yellow.

 THIRD SCHEDULE.

ALL those parcels of land, containing by admeasurement 63 acres 1 rood 37·4 perches, be the same a little more or less, and bounded as follows: commencing at a peg situated at the south-east angle of the intersection of Coutts Street and a public street shown on S.O. Plan 262/23, the said peg being situated with reference to Mount Cook Trigonometrical Station south 14018·53 links and east 12518·19 links; thence on a bearing of $115^{\circ} 01' 20''$, 574·59 links and 174·8 links; thence $87^{\circ} 25' 40''$, 15·0 links; thence generally in a south-easterly direction, 432·57 links, on an arc of radius 1533·3 links; thence $132^{\circ} 41' 24''$, 540·3 links; thence generally in a south-easterly direction, 844·30 links, on an arc of radius 1533·3 links; thence $164^{\circ} 14' 09''$, 756·2 links; thence generally in a southerly direction, 900·8 links, on an arc of radius 1533·3 links; thence $197^{\circ} 53' 53''$, 875·0 links; thence generally in a southerly direction, 463·3 links, on an arc of radius 1533·3 links, to the north-eastern corner of a public street shown on S.O. Plan 262/25; thence $305^{\circ} 12' 30''$, 66·6 links and 33·4 links; thence generally in a south-westerly direction, 297·7 links, on an arc of radius 1433·3 links; thence $297^{\circ} 11' 30''$, 71·45 links; thence generally in a northerly and westerly direction along the boundary of a public street shown on S.O. Plan 262/23 for a distance of 1601·72 links on an arc of radius 2500 links, and 1962·04 links on an arc of radius 2600 links; thence $17^{\circ} 13' 00''$, 2009·12 links, to the point of commencement.

The area comprises part Lots 2, 3, and 4, and part proposed road D.P. 1808, Lot 2 and part Lot 1, D.P. 2481; part Lot 4, D.P. 2456; and part sewer reserve, shown on S.O. Plans 71/38 and 71/39, the whole being part Sections 13, 14, and 15, Watts Peninsula Registration District, Block XI, Port Nicholson Survey District.

 FOURTH SCHEDULE.

ALL those parcels of land, containing by admeasurement 26·59 perches, be the same a little more or less, being Lots 1, 2, and 3, D.P. 1528, of part Sections 1 and 2, reclaimed land.

 FIFTH SCHEDULE.

ALL those parcels of land, containing by admeasurement 3·23 perches and 1·98 perches, be the same a little more or less, being part of Town Belt and part of Keringa Street, and bounded as follows: commencing at the south-western corner of the land shown on S.O. Plan 247/7; thence on a bearing of $75^{\circ} 49'$, 139·66 links; thence $165^{\circ} 52'$, 8·86 links; thence $255^{\circ} 52'$, 131·12 links; thence $281^{\circ} 22'$, 20·31 links; thence $346^{\circ} 51' 20''$, 159·25 links; thence $76^{\circ} 38' 45''$, 15·6 links; and finally $168^{\circ} 57' 15''$, 159·24 links, to the point of commencement.
