

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE.]

House of Representatives, 28th September, 1908.

Mr. Fisher.

WELLINGTON CITY EMPOWERING.

[LOCAL BILL.]

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A BILL INTITULED

AN ACT to confer Additional Powers on the Corporation of the City of Wellington, and to extend the System of Drainage to Districts lately included, or hereafter to be included, in the City of Wellington. Title.

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 Act, 1908. Short Title.

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

“City” means the City of Wellington: Interpretation.

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

“Council” means the Wellington City Council:

“District Fund” means District Fund as defined by the Municipal Corporations Act, 1908:

“Melrose District” means that part of the City of Wellington formerly comprised in the Borough of Melrose, exclusive of the portions of that borough described in the First Schedule to the Wellington (City) Suburbs Sanitation Act, 1893.

Power to improve streets and acquire lands, and sell or lease surplus lands.

3. For the purpose of widening, diverting, altering the course of, or extending any street, or for making any new street in the city the Council shall have the following powers :—

- (a.) (i.) To take under the Public Works Act, 19058, or purchase or otherwise acquire, the land required, or likely in the opinion of the Council to be required in the future, for widening, diverting, or altering the course of or extending the street, together with *any additional* land of any depth on either or both of the sides of such widened, diverted, or altered street, or of such extension of street; *provided that such additional land shall not be taken except with the consent of the owner.* 5
- (ii.) Notwithstanding anything contained in the Public Works Act, 19058, or in any other statute, the Council may take as aforesaid, subject to any leases or other limited estates or interests in the land so taken; and in case of any land being so taken the Proclamation vesting the same in the Corporation shall exclude such leases and limited estates or interests as the Council shall specify in its memorial to the Governor, and shall vest the same in the Corporation subject to such estates or interests, and no compensation shall be payable in respect of any limited interest so excluded. 15
- (b.) To extend any streets; but in so extending any street it shall not be lawful for the Council to make the width of such extension less than sixty-six feet, except that where the special circumstances of the case shall, in the opinion of the Governor in Council, render it advisable, the Council may make an extension of a less width, to be prescribed by Order in Council, *but not less than forty feet.* 25
- (c.) To raise special loans within the meaning of the Local Bodies' Loans Act, 19048, by way of special order ~~under the Municipal Corporations Act, 1900,~~ and without taking the steps described in sections seven to thirteen of the ~~Local Bodies' Loans Act, 1901,~~ *that Act*, for the purpose of meeting the purchase-money and expenditure in relation to the taking of any lands as aforesaid, or for recouping any moneys expended by the Council in respect thereof. 35
- (d.) To sell and convey all or any of the surplus lands left after effecting such widening, diverting, altering, or extension. 40
- (e.) To lease under the provisions of the Municipal Corporations Act, 19008, all or any of the surplus lands left after effecting such widening, diverting, altering, or extension of any land not immediately required for the purpose of such widening, diverting, altering, or extension. 45
- (f.) The foregoing powers shall extend to private streets or private ways if the Council shall take them over as public streets, which the Council is hereby empowered to do.
- (g.) For the purposes of ~~subsection-(1)-of~~ this section, this Act shall be deemed a special Act within the meaning of section fifteen of the Public Works Act, 19058. 50

4. The powers conferred by the *last preceding* section are to be subject to the following conditions :—

Application of rent and sale-moneys.

(a.) That the net rents of all lands leased as aforesaid shall be applied firstly towards meeting the charges, interest, and sinking fund on the loans heretofore or hereafter raised for street-widening purposes, or any loan raised to pay off any loan raised for street-widening purposes, and the balance (if any) shall be paid into the District Fund, and may be held for the purpose of aiding the Council in carrying out the widening of streets in the City.

(b.) That the net sale - moneys of any land sold as aforesaid shall be applied towards the payment of liabilities incurred through purchases for street-widening purposes, and the balance (if any) may be paid into the District Fund for the purpose of aiding the Council in carrying out the widening of streets.

(c.) If any loan for street-widening purposes shall ~~is~~ not be repayable for a period, the purchase-money for any lands sold as aforesaid may be invested by the Council through Sinking Fund Commissioners to be appointed in manner prescribed by the Local Bodies' Loans Act, 1904-8, and such Commissioners shall have all the powers, obligations, and duties conferred or imposed on Commissioners by such Act, and the income arising from such investments shall be applied as provided herein in respect of rents.

5. Where any land has been before the passing of this Act, or shall be ~~is~~ after the passing of this Act, taken for street-widening or street-extension purposes under any Act or Acts, the Council may, in lieu of paying compensation, grant the owner of any estate or interest in such lands any estate or interest in any part of lands theretofore or thereafter taken for street-widening and street-extension purposes, and which is not or is not likely to be required for such purposes; any such grant may be of such a nature and subject to such conditions as the Council shall think fit.

Power to settle claims for compensation.

PART II.

EXTENSION OF MELROSE DISTRICT DRAINAGE SYSTEM TO OTHER PARTS OF THE CITY.

Struck out.

6. (1.) The portions of the City of Wellington described in the *First Schedule* hereto, which were lately parts of the Boroughs of Onslow and Karori, shall be subject to the special rate of one penny in the pound made by the Wellington City Council on the sixteenth day of January, nineteen hundred and eight, and notified at pages three hundred and seventy-nine and three hundred and eighty in the *New Zealand Gazette* of the thirtieth day of January, nineteen hundred and eight, for the purpose of providing interest, sinking fund, and other charges on a special loan of one hundred thousand pounds authorised by a poll held on the sixteenth day of October, nineteen hundred and seven, of the ratepayers of the Melrose District.

Special rate for drainage in Melrose District to be leviable in other parts of the city.

(2.) The land described in the *Second Schedule* hereto, which is now included in the Borough of Melrose, shall also if and when the same shall be incorporated in the City of Wellington be subject to the said special rate.

New clause.

Parts of Boroughs of Karori and Onslow subject to special rate.

6. (1.) The lands described in the Orders in Council published in the *Gazette* on the twenty-first day of March, nineteen hundred and seven, the third day of October, nineteen hundred and seven, the ninth day of April, nineteen hundred and eight (being the parts of the Boroughs of Karori and Onslow included by the said Orders in the City of Wellington), shall be subject to the special rate of one penny in the pound made by the Wellington City Council on the sixteenth day of January, nineteen hundred and eight, and notified in the *Gazette* on the thirtieth day of January, nineteen hundred and eight, for the purpose of providing interest, sinking fund, and other charges on a special loan of one hundred thousand pounds authorised by a poll held on the sixteenth day of October, nineteen hundred and seven, of the ratepayers of the Melrose District. 5

(2.) Any lands being part of the Borough of Onslow, and lying south of the Karori Stream, which at any time hereafter are included in the City of Wellington shall, as from the date of the gazetting of the Order in Council making such inclusion, be subject to the said special rate. 15

Moneys of special loan for drainage in Melrose District to be used for additional areas.

7. The moneys produced by the said special loan shall be applied to provide a system of drainage and for constructing private drains and house-connections on the deferred-payment system under the Municipal Corporations Act, 19008, not only for the Melrose District, but also for the lands described in the First Schedule hereto mentioned in subsection one of the last preceding section and also for the lands described in the Second Schedule hereto mentioned in subsection two of the last preceding section, if and when the said last-mentioned lands shall be included in the City of Wellington. 20 25

Lands over which rate shall be leviable to be deemed parts of loan district.

8. All lands over which the said special rate shall be is hereafter leviable shall be deemed to be included in and to form part of the district for the benefit of which the said special loan was raised under the provisions of the Local Bodies' Loans Act, 19018. 30

PART III.

GENERAL.

All powers conferred by Act to be additional.

9. All powers conferred by this Act are additional to the powers conferred or to be conferred upon any Corporation or Council by any other Act, and nothing in any Act contained shall be construed so as to limit the application of the provisions of this Act. 35

Loans to be special loans.

10. All loans raised under this Act shall be deemed to be special loans, and the provisions of the Local Bodies' Loans Act, 19018, shall accordingly apply to such loans. 40

Repeal.

11. The Wellington City Empowering Act, 1897, and sections three to six, inclusive of the Wellington City Empowering Act, 1899, are hereby repealed.

Struck out.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

(1.) ALL that area in the Wellington Land District bounded towards the north-east generally by the north-eastern boundary-line of Original Section No. 8, in Block III, Port Nicholson Survey District, from the northernmost corner of that section to the branch of the Kaiwarra Stream forming the eastern boundary of the said Section No. 8; thence by the said branch and the Kaiwarra Stream to the south-western boundary-line of Original Section No. 3, in Block XI, Belmont Survey District; thence by that section and its south-western boundary-line produced to Port Nicholson; thence towards the south-east by Port Nicholson to the boundary of the City of Wellington; thence towards the south generally by the City of Wellington to the Borough of Karori; thence by the Borough of Karori to the Kaiwarra Stream; and thence towards the north-west generally by the said Kaiwarra Stream and the Otari Native Reserve to the southernmost corner of Section No. 7, Block III, Port Nicholson Survey District; and thence by the last-mentioned section to the northernmost corner of Section No. 8 aforesaid, the place of commencement.

(2.) All that area in the Wellington Land District situated in Blocks VI and X, Port Nicholson Survey District. Bounded by a line commencing at the intersection of the south-eastern side of the Karori Road by the eastern boundary-line of the Original Section No. 29 in Block VI aforesaid; thence south-westerly along the south-eastern side of the said Karori Road to a point where it is intersected by the eastern side of Baker's Hill Road; thence along the eastern and southern side of the said Baker's Hill Road over the top of the tunnel to the junction of the said Baker's Hill Road and Moana Road; thence westerly along the northern boundary-line of Knight's Farm to the Kaiwarra Stream; thence southerly along that stream to the northern boundary of the waterworks reserve; thence north-westerly along the boundary of the said waterworks reserve to its northernmost corner; thence generally south-westerly along the western boundary of the said waterworks reserve to the southern boundary of the Borough of Karori, as described in the *New Zealand Gazette* No. 65 of the 10th September, 1891; thence south-easterly along the southern boundary of the said Borough of Karori to its south-eastern corner; and thence generally northerly along the eastern boundary of the said Borough of Karori to the place of commencement.

(3.) All that area in the Wellington Land District bounded by a line commencing on the Kaiwarra Stream at the south-western corner of Section No. 1, Block VI, Port Nicholson Survey District; thence easterly along the southern boundary of that section to its south-eastern corner; thence north-easterly along the south-eastern boundaries of Sections Nos. 1 and 2, Block VI aforesaid, to the western boundary of the City of Wellington; thence generally southerly along the western boundary of the City of Wellington to the Kaiwarra Stream; and thence northerly along the eastern bank of the Kaiwarra Stream to the place of commencement.

SECOND SCHEDULE.

ALL that area situated in Block III, Belmont Survey District, in the Wellington Land District, of which the boundaries commence at a point on the north-eastern boundary of the City of Wellington where the boundary of the Wellington-Manawatu Railway intersects the aforesaid boundary of the City of Wellington; thence bounded generally towards the north-east by the Wellington-Manawatu Railway by lines bearing $97^{\circ} 34'$, distance 385.7 links, bearing $131^{\circ} 36' 40''$, distance 1026 links; thence towards the east by the Military Reserve by a line bearing $0^{\circ} 49''$, distance 355.1 links; thence towards the south-east by the Wellington-Manawatu Railway by a line bearing $206^{\circ} 31' 30''$, length 299 links, to the boundary of the City of Wellington; thence towards the south-west by the City of Wellington to the point of commencement, and containing 5 acres 2 roods 28 perches.