

Mr. Fisher.

WELLINGTON (CITY) TOWN BELT RESERVES LEASING

[LOCAL BILL.]

ANALYSIS.

Title. 1. Short Title. 2. Interpretation. 3. Corporation may lease part of the Town Belt reserves for <i>bona fide</i> purposes of amateur field sports. 4. Rent to include all rates, exclusive of water rates and sanitation-loan rates. 5. Right of access of public to land leased.	6. Lessee's power to charge. 7. Power of Council to make by-laws. 8. Area to be included in any lease; and term of lease. 9. Lessee to have power to erect buildings. 10. Lease to be subject to certain conditions. 11. Council to have power to insert clause in lease as to resumption for street purposes. 12. Certain provisions to apply after resumption by Corporation.
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A BILL INTITULED

AN ACT to empower the Mayor, Councillors, and Citizens of the City Title.
change the Purpose of Reservation of the Wellington to lease
Portions of the Town Belt Reserves to Associations and Clubs
formed for the bona fide Purposes of Amateur Field Sports.

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) Town Belt Short Title.
Reserves Leasing Act, 1908.

Struck out.

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

“City” means the City of Wellington:

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

“Council” means the Council of the City of Wellington.

3. The Corporation may let, if it thinks fit, by private contract
any parts of the reserves known as the Town Belt to any club,
association, or union formed for the *bona fide* purposes of amateur
field sports, and registered under the provisions of the Unclassified
Societies Registration Act, 1895, and having rules and regulations
as to admission of members approved in writing by the Council,
subject to the provisions of this Act, and subject to such other
covenants, conditions, and restrictions as the Council shall think fit;
and any rental so reserved may in the discretion of the Council be
a peppercorn rental, or a rental less than the full improved rental, or
a rental based on the amount received by such association for gate-

Interpretation.

Corporation may
lease part of the
Town Belt reserves
for *bona fide*
purposes of amateur
field sports.

Struck out.

money and rents less the cost of maintenance of the said ground and the cost of advertising matches, and expenses incidental to matches other than players' or officials' expenses incurred by such association, and less interest charges on any loan incurred for the purpose of improving the land leased; or may be a rental partly based on acreage or value and partly based on the net receipts by the lessee as hereinbefore prescribed and defined; or a rental to be fixed in any similar or dissimilar method that the Council shall by resolution order.

Rent to include all rates, exclusive of water rates and sanitation-loan rates.

Right of access of public to land leased.

Lessee's power to charge.

Power of Council to make by-laws.

Area to be included in any lease; and term of lease.

Lessee to have power to erect buildings.

4. The rent payable under any lease granted pursuant to this Act shall be deemed to include all rates, exclusive of water rates and sanitation-loan rates.

5. Where the area of land leased does not exceed two and a half acres the lease may be a lease for exclusive use of the land; but if the area leased exceed two and a half acres the public shall, subject to the provisions of any by-laws from time to time made by the Council, have access between sunrise and sunset on Sundays, Christmas Day, and Good Friday, and on any other day on which no charge is made for admission pursuant to this Act, to all parts of such land, except buildings and land actually laid out as playing-ground.

6. The lessee of any land leased under this Act shall, on giving seven days' notice of its intention so to do by advertisement in some newspaper circulating in the City of Wellington, be entitled to charge for admission to the land leased, subject as follows:—

(1.) Such charges shall not exceed one shilling for adults and sixpence for children under fifteen years of age for admission to enter such ground and any part thereof other than a stand.

(2.) The lessee and his sublessees or subtenants shall not charge for admission on more than one hundred and twenty days in any one year.

7. The Council is hereby authorised to make by-laws for the following purposes:—

(a.) Regulating the conduct of the public on any land leased pursuant to this Act.

(b.) Preventing the public from at any time entering upon any land set apart as a playing-ground on any piece of land leased pursuant to this Act.

Every by-law so made shall be deemed to be a by-law made under the provisions of the Municipal Corporations Act, 1900, and shall be passed and be enforceable under the provisions of that Act.

8. (1.) No lease granted under the provisions of this Act shall comprise an area exceeding thirty acres, and no lessee shall hold more than thirty acres under leases granted pursuant to the provisions of this Act.

(2.) No lease shall be granted under this Act for any original term exceeding twenty-one years, but any such lease may be granted with provisions for renewal for successive periods not exceeding fourteen years upon such terms and subject to such conditions as the Council shall think fit.

9. The Council may grant to the lessee of any land leased under the provisions of this Act, by his lease or otherwise, the right to erect caretakers' cottages, grandstands, and dressing-sheds, and all other buildings, fences, and conveniences usual or necessary in connection with field-sports grounds.

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Struck out.

10. Every lease granted pursuant to this Act shall be granted subject to the following conditions in addition to such conditions as the Council shall prescribe, and shall contain all covenants, conditions, provisions, and agreements necessary or suitable for the purpose of giving effect to such conditions:—

Lease to be subject to certain conditions.

(a.) That the lessee shall not assign such lease without the consent in writing of the Council, and that such consent may be refused by the Council without any reason therefor being given.

(b.) That the lessee shall not sublet for any period exceeding six months, and that such subletting shall be made only to a club, association, or union formed for the *bona fide* purposes of amateur field sports, or trustees for such club, association, or union having rules and regulations as to admission of members approved in writing by the Council.

(c.) That any such subletting shall be made only at a rental approved in writing by the Council; and, if the terms of such subletting shall exceed one month, only to a tenant approved in writing by the Council.

(d.) That not more than four-fifths of the land comprised in such lease shall be set apart exclusively for playing purposes.

(e.) That plans of all buildings and structures to be erected shall be approved in writing by the Council, and that duplicates of such plans so approved shall be furnished to the Council.

(f.) That the lessee shall not carry out any excavation works, or make any alterations in the level of the land leased, except according to plans approved in writing by the Council.

(g.) That no contract shall be entered into by the lessee for any excavation-works or alteration in levels without the consent in writing of the Council to such contract first had and obtained.

(h.) That the land so leased shall revert to the Corporation, and the lease thereof be determined, in the event of the land not being *bona fide* used by the lessee for the purpose of fields ports, or upon breach of any of the lessee's covenants in the lease thereof.

(i.) That the Corporation may at any time after the expiry of ten years from the granting of any lease under this Act resume possession of the land leased under such lease upon giving twelve months' notice in writing of its intention so to do, and upon paying the then estimated value of the buildings thereon and the value of excavation and levelling works executed with its consent; such value, if necessary, to be fixed by arbitration in the ordinary way.

11. The Council may in any lease granted under this Act insert a provision giving the Corporation power to resume any part of such lands for street purposes without paying any compensation in respect of such taking other than that which shall be provided for by such lease.

Council to have power to insert clause in lease as to resumption for street purposes.

Certain provisions
to apply after
resumption by
Corporation.

Struck out.

12. If at any time the Corporation should re-enter, resume possession of, or otherwise acquire the whole ownership of any lands leased pursuant to this Act, it may relet such land pursuant to the provisions of this Act. Until such reletting, such lands shall be deemed to be lands subject to the provisions of section three hundred and fifty-five of the Municipal Corporations Act, 1900, and the Council may in addition to the powers vested in it by that section exercise all the rights and powers vested in the lessee by virtue of this Act, or any lease granted under this Act.

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New clause.

2. (1.) The Wellington Town Belt as described in the Schedule hereto is hereby vested in the Mayor, Councillors, and Citizens of the City of Wellington in trust as a recreation reserve within the meaning of the Public Reserves and Domains Act, 1908.

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(2.) Nothing herein shall affect any existing lease of any part of the said Town Belt.

(3.) The City Council may from time to time lay out and construct such roads and streets over the said land as it thinks fit for the purpose of connecting the streets of the city with any country roads.

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(4.) The Wellington City Reserves Act, 1871, is hereby repealed.

Wellington Town
Belt vested in
City Corporation.

New.

SCHEDULE.

WELLINGTON TOWN BELT.

ALL that area in the City of Wellington bounded towards the north-west by Orangi-Kaupapa, Tinakori South and Tinakori North Blocks, and Sections Nos. 2 and 3, Block VI, Port Nicholson Survey District; towards the north-east by the abutment of a public road, Allotments 69, 70, 71, and a stream to Grant Road; and towards the south-east generally by Grant Road, Town Acres 663, 662, 661, and again by Grant Road: excepting public roads.

Also all that area in the City of Wellington bounded towards the north-east by Orphanage and Hospital Reserves; towards the south-east generally by Town Acres Nos. 455, 454, 453, 452, 451, 450, 449, 448, 447, Mount Street, Cemetery Reserve, the abutment of Graveyard Road, and Town Acres Nos. 442, 441, 440, 439, 438, 437, and 436; towards the south-west by Gaol Reserve; and towards the north-west by original Section No. 28, now known as Kelburne, and by Kelburne Parade and Salamanca Road: excepting Victoria College site and public roads.

Also all that area in the City of Wellington bounded towards the north-east by original Section No. 28, now known as Kelburne; towards the south-east by Native Reserve XVb, Town Acres Nos. 2 and 1, the abutment of a public road, and Native Reserve XVa; and towards the west by original Section No. 10, Block VI, Port Nicholson Survey District: excepting public roads.

Also all that area in the City of Wellington bounded as follows: Commencing at the westernmost corner of Town Acre No. 35; thence by the said Town Acre No. 35, the abutment of Epuni Street, Town Acres Nos. 36, 34, 32, 30, Native Reserve XV, and Town Acres Nos. 50, 51, 52, 53, 54, and 55 to Nairn Street; thence by Nairn and Hankey Streets to Town Acre No. 679; thence by Town Acres Nos. 679 and 681 to Bidwell Street, by Bidwell Street and Town Acres Nos. 686 and 685 to Rolleston Street; thence by Rolleston Street and Town Acre No. 692 to Hargraves Street; thence by Hargraves Street and Town Acres Nos. 697, 699, 700, 701, 702, 703, 704, and 705 to Wright

New.

Street; thence by Wright Street, Town Acre No. 709, across Wallace Street, and by Town Acre No. 726 to Crawford Street; thence by Crawford Street and across Oliver Street to Hanson Street; thence by Hanson Street and Town Acres Nos. 905, 907, 909, 911, 913, 915, the abutment of Hall Street, Town Acres Nos. 923, 924, 925, 926, 927, the abutment of Hanson Street, and Town Acres Nos. 933, 934, 935, 936, 937, and 938 to Adelaide Road; thence by Adelaide Road and Town Acre No. 1008 to Waripori Street; thence by Waripori Street, Town Acres Nos. 1009, 1010, 1011, the abutment of Stanley Street, Town Acres Nos. 1037 and 1038 to Brittomart Street; thence by Brittomart Street and Town Acres Nos. 1041, 1042, 1043, 1044, 1045, and 1046 to Stanley Street; thence by Stanley and Duppa Streets, Town Acres Nos. 1095, 1097, 1099, across Adelaide Road, and by Town Acres Nos. 1100, 1098, and 1096 to Laraud Street; thence by Laraud Street, Russell Terrace, Mansfield Street, Town Acres Nos. 889 and 890, the abutment of Daniel Street, and Town Acres Nos. 899 and 900 to Owen Street; thence by Owen Street and Town Acres Nos. 903, 902, 907, and 868 to Lawrence Street; thence by Lawrence and Coromandel Streets to Town Acre No. 874; thence by Town Acres Nos. 874, 873, 872, 871, 870, 869, 867, across Constable Street, by Town Acres Nos. 818, 817, 816, 815, 814, 813, the abutment of Mein Street, and by Town Acres Nos. 775 and 774 to the Asylum Reserve; thence by the Asylum and College Reserves to Town Acre No. 749; thence by Town Acres Nos. 749, 748, the abutment of Ellice Street, Town Acres Nos. 350, 351, 352, 353, 354, 355, 356, the abutment of Pirie Street, Town Acres Nos. 357, 358, 359, 360, 361, 362, 363, 364, 365, the abutment of Majoribanks Street, Town Acres Nos. 397, 396, 395, 394, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 413, 414, 415, the abutment of Hay Street, Town Acres Nos. 418, 417, 416, 421, 422, 423, 424, 425, the abutment of Grass Street, and Town Acres Nos. 426, 427, 428, 429, and 430 to Point Jerningham Road; thence by that road to Section No. 1, Block VII, Port Nicholson Survey District, now known as Roseneath; thence by Sections Nos. 1, 2, 3, 4, and 5, Block VII aforesaid, Sections Nos. 6 and 2, Block XI, and Section No. 5, Block X, to Section No. 20; thence by Sections Nos. 20 and 18, Block X aforesaid, Section No. 15, now known as Vogeltown, Section No. 12, now known as Brooklyn, to Ohiro Road; thence by Ohiro Road and Section No. 11, Block X, Port Nicholson Survey District, and Native Reserve XVA to the place of commencement.