

Wellington City Empowering and Amendment Act 1929

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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.

BE IT 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 Wellington City Empowering and Amendment Act 1929.

2 Definitions

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.

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

- (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.

4 Power to impose construction of drains on owners subdividing land

- (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.

**5 Extension of time for completion of Evans Bay
Reclamation**

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."

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

The portion of Evans Bay Road described in Schedule 1 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.

7 Declaring certain ways to be public streets

- (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 Schedule 2 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 Special orders relating to loans to be unassailable after
three months**

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 pass-

ing of the first resolution made by the Council in respect of the special order.

9 Diversion of certain reserves for establishment of aerodrome at Lyall Bay
[Repealed]

Section 9 was repealed, as from 2 October 1958, by section 23(1) Reserves and other Lands Disposal Act 1958 (1958 No 108).

10 Extension of time within which Council's authority to borrow moneys conferred by ratepayers may be exercised
[Repealed]

Section 10 was repealed, as from 26 October 1935, by section 5 Wellington High Levels Tramway Amendment and Empowering Act 1935 (1935 No 18(L)).

11 Council authorized to permit encroachment of Show Building on right-of-way adjacent to Westland Road
Whereas the Wellington Show Association, Incorporated, in erecting the building on the Town Belt pursuant to the Wellington City Exhibition Grounds Act 1927 *[Repealed]*, 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 Amendment of paragraph (e) of section 6 of the Wellington City Empowering and Amendment Act 1924
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 Alternative method of disposal of proceeds of sale of the Mangahao Endowment of the Corporation
(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 Schedule 4 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 Schedule 4 hereto, being land purchased for street-widening purposes and now subject to sale by the Corporation.

(2)

Subsection (2) was repealed, as from 24 February 2004, by section 3 Wellington City Empowering and Amendment Act 2004 (2004 No 1(L)).

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

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 Schedule 5 hereto, and the said land and buildings shall be valued accordingly.

Schedule 1

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. DP 7425; thence on a bearing of $344^{\circ} 29'$ for a distance of 74.69 links; thence on a bearing of $27^{\circ} 25'$ for a distance of 97.32 links; and finally on a bearing of $188^{\circ} 54' 13''$ 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.

Schedule 2

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 SO 258/126, deposited at the office of the Chief Surveyor at Wellington, and thereon coloured red and yellow.

Schedule 3

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 SO 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 SO 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 SO 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 DP 1808, Lot 2 and part Lot 1, DP 2481; part Lot 4, DP 2456; and part sewer reserve, shown on SO 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.

Schedule 4

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, DP 1528, of part Sections 1 and 2, reclaimed land.

Schedule 5

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 SO 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.