

# Wellington City Empowering and Amendment Act 1924

Local Act 1924 No 19  
Date of assent 6 November 1924

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**AN ACT to authorize an Exchange of certain Land at Queen's Park, in the City of Wellington, for Town Belt Purposes; to authorize the Wellington City Council to take over certain Private Streets and Private Ways; to abolish the Limitation of the Amount of certain Corporation Accident Funds; to confer Further Powers on the Corporation and Council of the City of Wellington in relation to Street-widening; to amend the Wellington City Reclamation and Empowering Act 1906, the Wellington City Empowering Act 1912, and the Wellington City Empowering and Special Rates Consolidation Act 1923; and to extend the Time within which the Council may borrow certain Moneys.**

**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 1924.

**2 Interpretation**

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

**Corporation** means the Mayor, Councillors, and Citizens of the City of Wellington

**Council** means the Wellington City Council.

**Part 1****Land exchange.****3 Exchange of land at Queen's Park**

- (1) The Council is hereby authorized to exchange with Arthur De-whurst Riley, of the City of Wellington, merchant, the land described in Schedule 1 hereto for the land described in Schedule 2 hereto.
- (2) The land described in Schedule 2 hereto shall, when vested in the Corporation, form part of the Town Belt of the City of Wellington, and be held by the Corporation subject to the trusts affecting the Town Belt as set out in deed of conveyance, registered No 40240, dated the twentieth day of March, eighteen hundred and seventy-three, from the Superintendent of the Province of Wellington to the Mayor, Councillors, and Citizens of the City of Wellington.

**Part 2****Private streets and private ways.****4 Taking over certain private streets and private ways**

The following private streets and private ways are hereby declared to be public streets of the City of Wellington and to be vested as such in the Corporation—namely, Brosnahan Terrace; Kennedy Street; Torquay Terrace; Wesley Road; Lindum Terrace; Heaton Terrace; Rixon Grove; Tutchen Avenue; Whittaker Street; Grass Street Extension (east of Town Belt); Beauchamp Street (Wadestown); Bosworth Terrace; Boston Terrace:

Provided that no building shall be erected on any of the land fronting the north side of Rixon Grove within twenty-five feet of the centreline of Rixon Grove, unless such building is erected on a site which has

an independent frontage to Austin Street of the extent required by the Wellington City By-laws.

### **Part 3**

#### **Accident funds.**

- 5 Abolition of limitation of amount of certain Corporation trading departments' accident funds**  
Subsections five and six of section fourteen of the Wellington City Trading Departments' Reserve and Renewal Funds Act 1917, are hereby repealed.

### **Part 4**

#### **Widening, altering, and extending streets.**

- 6 Power to improve streets, and acquire land, and borrow moneys, and sell or lease surplus lands**  
For the purpose of constructing any new street, or of widening, diverting, altering the course of, or extending any street in the city, and in connection with any works so carried out, the Council shall have the following powers:—
- (a) To take under the Public Works Act 1908, or purchase, or otherwise acquire, the land required for constructing any such new street, or for widening, diverting, altering the course of, or extending the street, together with land to any depth on either or both of the sides of such street, or of such extension of street, or on any such proposed new street.
  - (b) Notwithstanding anything in the Public Works Act 1908, or in any other statute, the Council may take subject to any leases or mortgages or other limited estates or interests in the land so taken as aforesaid; and in the case of any land being so taken the Proclamation vesting the same in the Corporation shall exclude from such taking such leases, mortgages, or limited estates or interests as the Council specifies in its memorial to the Governor-General, and shall vest the same in the Corporation subject to such estates or interests, and no compensation shall be payable in respect of any

lease, mortgage, or other limited estate or interest so excluded.

(c)

(i) Where the Corporation and any owner of any land subject to any lease, mortgage, or other limited estate or interest, or of any leasehold estate, or of any other limited estate or interest in land, have under section 27 of the Public Works Act 1908, entered into a sufficient agreement for the taking of such owner's estate or interest pursuant to the provisions of this section, the Corporation shall be entitled to the issue of a Proclamation vesting the estate or interest of such owner in the Corporation:

(ii) The provisions of this subsection shall apply to all agreements for the taking of such estates or interests in land whether executed before or after the passing of this Act.

(d) To extend any street; 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, in the opinion of the Governor-General 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.

(e) For the purpose of meeting the purchase-money, compensation, or expenditure in relation to the purchase or taking of any lands as aforesaid, or for recouping any moneys expended by the Council for such purposes or for the purpose of constructing and paving any such new street widening, diversion, alteration, or extension of any street, to raise special loans within the meaning of the Local Bodies Loans Act 1913, by way of special order and without taking the steps described in sections eight to twelve of that Act.

(f) To sell and convey to any person whatsoever all or any of the surplus lands left after effecting such widening, diversion, alteration, or extension.

- (g) To lease under the provisions of the Municipal Corporations Act 1920, all or any of the surplus lands left after effecting such widening, diversion, alteration, or extension; or to lease under that Act, for any term not exceeding twenty-one years, any such land not immediately required for the purpose aforesaid.
- (h) The foregoing powers shall extend to any private streets or private ways if the Council shall make them respectively sixty-six feet wide and take them over as public streets, which the Council is hereby empowered to do.
- (i) Where the Council, for the purposes of this Part of this Act, takes part only of any separate holding of land and does not use the whole of the land so taken for street purposes, and any surplus land lies between the balance of such separate holding and the completed street, the Council, if it desires to sell the land, shall, within three months of completing its street operations, offer such surplus land to the owner of the balance of the separate holding; but if such owner of such separate holding refuses to complete the purchase of such land within two months after the making by the Council of the offer required by this section as hereinafter provided, then to offer the land to the owner or owners of any adjoining land at a price to be fixed by a competent valuer appointed by the Council to value the same, and if such owner or owners as aforesaid fail to complete the purchase of such surplus land within two months after the making by the Council of the offer required by this section the Council may sell such surplus land as hereinbefore provided. The exercise of the powers contained in paragraphs (f) and (g) shall be subject to the provisions of this subsection in all cases where this subsection applies.

Section 6 was amended, as from 21 September 1927, by section 5 Wellington City Empowering and Amendment Act 1927 (1927 No 4(L)) by substituting all words to the end of paragraph (a).

Paragraph (e) was amended, as from 1 November 1929, by inserting after the words "constructing and paving any such" the words "new street" pursuant to section 12 Wellington City Empowering and Amendment Act 1929 (1929 No 12(L)).

**7 Application of rents and sale-moneys**

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

- (a) That the net rents of all lands leased as aforesaid shall be applied first towards meeting the charges, interest, and sinking fund on all loans heretofore or hereafter raised for the purposes mentioned in the last preceding section or on any loan raised to pay off any such loan; 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 any works in connection with such operations as are mentioned in the last preceding section.
- (b) That the net sale-moneys of any land sold as aforesaid shall be applied towards the payment of liabilities incurred under the last preceding section, and that the balance (if any) may be paid into the District Fund, to be held for similar purposes.
- (c) That the purchase-money of any lands sold as aforesaid may be invested by the Council through Sinking Fund Commissioners appointed in respect of any loan raised under this Act, and the principal moneys so invested shall be applied to meet the loan in respect of which such Commissioners are appointed, the interest thereon being applied as in this section provided in respect of rents.

**8 Power to settle claims for compensation**

Where any land has been before the passing of this Act or is after the passing of this Act taken for the purpose of widening, diverting, altering, or extending any street, the Council may, in lieu of paying compensation, with the consent of such owner, grant to the owner of any estate or interest in such lands any estate or interest in any part of lands taken for such purposes and which 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.

**9 Special Act**

This Part of this Act shall be deemed to be a special Act for the purposes of and within the meaning of section fifteen of the Public Works Act 1908, relating to the taking of materials from quarries and like places and the taking of land occupied by buildings and certain other improvements.

**10 Repeal**

Sections seven and nine of the Wellington City Empowering Act 1897, section six of the Wellington City Empowering Act 1899, sections three, four, and five of the Wellington City Empowering Act 1908, and the Wellington City Empowering and Amendment Act 1913, are hereby repealed.

**Part 5  
Amendments.****11 Extension of time for carrying out the Evans Bay reclamation works by the Wellington City Corporation**

Subsection one of section seven of the Wellington City Reclamation and Empowering Act 1906, as amended by section forty-two of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1912, and by section forty-six of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1918, is hereby further amended by omitting the word “nineteen”, and substituting the word “twenty-four.”

**12 Amendment of Wellington City Empowering and Amendment Act 1912**

Subsection three of section three of the Wellington City Empowering and Amendment Act 1912, is hereby repealed, and the following substituted therefor:—

“(3)

- (a) Such by-laws may authorize charges to be made in respect of the said Zoological Gardens on any day, including Sunday:  
“Provided that the question of making a charge for admission to the said Zoological Gardens on Sunday shall



first be submitted to a poll of the electors of the City of Wellington, and until a poll in favour of such a charge being made is carried no by-law imposing such a charge shall be made. Every such poll shall be taken in manner provided by the Local Elections and Polls Act 1908.

- “(b) No such charge for admission shall exceed, in the case of persons over fifteen years of age, ten cents; and persons under that age shall be admitted free.”

The expression “ten cents” was substituted, as from 10 July 1967, for the expression “one shilling” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

**13 Amendment of section 11 of the Wellington City Empowering and Special Rates Consolidation Act 1923**

Section eleven of the Wellington City Empowering and Special Rates Consolidation Act 1923, is hereby amended as from the date of the passing thereof by inserting, after the words “made and levied over portion only of the city”, the words “after the passing of this Act, but.”

**14 Extension of time within which Council’s authority to borrow moneys conferred by ratepayers may be exercised**

The provisions of section sixteen of the Local Bodies Loans Act 1926, relating to the lapse of authority for loans shall not apply to the following loans of the Wellington City Council authorized by a poll of the ratepayers taken on the fifteenth day of September, nineteen hundred and twenty, namely:—

- (a) Loan for Tramways: Kelburn, Karori, and Northland tramway extension—namely Willis Street, Aro Street, and Raroa Road: extension to Northland, \$133,972:
- (b) Loan for Tramways: Tramway extension to Melrose (Sutherland Road) from Zoo gates, \$25,800:

but if no part of such loans is borrowed within twenty-three years after taking of the poll aforesaid the authority therefor shall lapse, and no proceedings shall thereafter be taken for borrowing the money except under the authority of another poll of the ratepayers.

Section 14 was amended, as from 1 November 1929, by substituting the words “within fifteen years after taking of the poll aforesaid” for the words “within ten

years after the taking of the poll aforesaid” pursuant to section 10 Wellington City Empowering and Amendment Act 1929 (1929 No 12(L)).

Section 14 was substituted, as from 26 October 1935, by section 5 Wellington High Levels Tramway Amendment and Empowering Act 1935 (1935 No 18(L)).

Section 14 was amended, as from 11 December 1937, by substituting the words “within twenty-three years after taking of the poll aforesaid” for the words “within eighteen years after taking of the poll aforesaid” pursuant to section 4 Wellington City Empowering and Amendment 1937 (1937 No 17(L)).

The expressions “\$133,972” and “\$25,800” were substituted, as from 10 July 1967, for the expressions “£66,986” and “£12,900” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

## **15 Wellington City Heavy-traffic By-laws to operate in Upper Hutt Town District**

For the purposes of section three hundred and fifty-five of the Municipal Corporations Act 1920, the Upper Hutt Town District shall be deemed to be within five miles of the City of Wellington, and the provisions of that section shall, in relation to heavy-traffic by-laws and heavy-traffic licenses of the Wellington City Council, operate accordingly.

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### **Schedule 1**

All that piece of land, situate in the City of Wellington, containing 15.68 perches, be the same a little more or less, being Lot 4 on a plan of subdivision of parts Sections 76 and 77, and Section 78 in the Township of Wadestown, being part Section 1, Harbour District; deposited in the Land Transfer Office at Wellington as No 5461, and being part of the land comprised in certificate of title, Volume 251, folio 1.

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### **Schedule 2**

All that piece of land, situate in the City of Wellington, containing 25 perches, be the same a little more or less, being Lot 6 on the said deposited plan No 5461, and being part of the land comprised in certificate of title, Volume 288, folio 127.