

Mr. T. E. Skinner

ELLERSLIE BOROUGH EMPOWERING

[LOCAL BILL]

ANALYSIS

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A BILL INTITULED

AN ACT to Enable the Ellerslie Borough Council to
Acquire, Subdivide, and Develop Lands Suitable for
Housing; to Provide Amenities for the Same; and
5 to Sell Building Allotments to Workers for the
Purpose of Housing Construction. Title.

WHEREAS there are in the Borough of Ellerslie areas
of land which it is desirable should be made available
for subdivision into building allotments in view of the
10 prevailing acute shortage of dwellinghouses, but which
for divers reasons are unlikely to be made available
otherwise than in pursuance of the exercise of the powers
by this Act conferred upon the Ellerslie Borough Preamble.

Council: And whereas it is desirable for the development of the Borough of Ellerslie and for the benefit of the citizens thereof that the said Council should have power to acquire for subdivision such land as in the opinion of the said Council may be conveniently acquired and developed, and afterwards to sell the same for the purpose of housing construction: 5

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:— 10

Short Title.

1. This Act may be cited as the Ellerslie Borough Empowering Act, 1948.

Interpretation.

2. In this Act, unless the context otherwise requires,—

“Borough” means the Borough of Ellerslie: 15

“Council” means the Ellerslie Borough Council:

“Principal Act” means the Municipal Corporations Act, 1933:

“Worker” includes every person, male or female, who is employed in work of any kind or who is resident or desires to become resident in the Borough of Ellerslie. 20

Council may acquire land for subdivision.

3. (1) Notwithstanding anything in the principal Act or in any other Act, the Council may from time to time purchase or take under the Public Works Act, 1928, any area or areas of land within the borough which in the opinion of the Council may be conveniently acquired for the purpose of subdivision into building allotments and development. 25

(2) The acquisition of land for the purpose of this Act shall be deemed a public work within the meaning of the Public Works Act, 1928. 30

Council may subdivide and road lands.

4. In respect of any such land acquired as aforesaid the Council may subdivide or resubdivide the same into suitable building allotments and construct roads and streets thereon, and may for the purpose of developing the land as building allotments exercise all the powers conferred upon local authorities by virtue of the principal Act or any other enactment conferring powers upon local authorities. 35 40

Council may sell building allotments to workers.

5. The Council is hereby authorized to sell the said building allotments upon such terms as the Council shall in its absolute discretion think proper to workers

desirous of building thereon for the personal occupation of themselves and their families. The Council may in its discretion refuse to sell to any person without giving reasons for its refusal.

5 **6.** The prices to be charged by the Council to workers for the building allotments as aforesaid shall be calculated so as to return to the Council the actual cost of the land to the Council and the development thereof (including survey fees), plus the further sum of five
10 pounds per centum to cover administrative charges:

Price of allotments.

Provided that it shall not be competent for any person to question the price put upon any building allotment by the Council:

15 Provided also that nothing in this section shall derogate from the provisions of the Servicemen's Settlement and Land Sales Act, 1943.

20 **7.** The Council may sell any land which in the opinion of the Council is surplus to any scheme of subdivision or unsuitable for the purposes of this Act to such persons and upon such terms as the Council may think fit.

Council may sell surplus land.

25 **8.** The Council may, by special order and without taking the steps prescribed by sections nine to thirteen of the Local Bodies' Loans Act, 1926, raise a special loan for any of the purposes hereinbefore mentioned:

Borrowing-powers.

Provided, however, that the Council shall not be empowered to borrow a greater sum than seventeen thousand five hundred pounds pursuant to the authority hereby granted.

30 **9.** (1) All moneys raised pursuant to the authority granted by section *eight* hereof shall be paid into a separate fund, to be known as the District Development Fund (hereinafter referred to as the said fund), and shall not form part of the general revenues of the
35 Council.

Moneys to be paid into separate fund.

40 (2) The cost of acquisition of any land and the development thereof for the purposes of this Act shall be paid out of the said fund, and all moneys received from the sale of land so acquired shall be paid into the said fund.

(3) Surplus moneys from time to time standing to the credit of the said fund shall be applied by the Council only for the purpose of supplementing any sinking fund established in connection with the loan hereinbefore authorized or, alternatively, in and towards the purchase and development of other lands for the purposes authorized by this Act. 5

(4) Moneys belonging to the District Development Fund shall be kept in a separate account at the bank.