

Wellington City Empowering and Amendment Bill

Local Bill

Explanatory note

General policy statement

The Wellington City Empowering and Amendment Act 1929

Wellington City Council (“the Council”) own land located at 45 to 53 Willis Street, Wellington (“the land”) that was purchased by Council in 1904 for street widening purposes.

The Council owns the land subject to section 13(2) of the Wellington City Empowering and Amendment Act 1929 which states that the Council may lease the land under the provisions of the Municipal Corporations Act 1920 (obsolete), but the land shall not be alienable by the Council in any other manner.

The Council desires to repeal section 13(2) of the Wellington City Empowering and Amendment Act 1929 to allow it to consider selling the land.

History of the land at 45 to 53 Willis Street, Wellington

The Council purchased the land at 45 to 53 Willis Street, Wellington in 1904 for street widening purposes. In 1929, the Council was contemplating the sale of the Willis Street land. The proceeds from the sale of the Willis Street land were to be used for street widening purposes.

Section 13(1) of the Wellington City Council Empowering and Amendment Act 1929 empowered the Council to use the purchase-moneys referred to in section 4 of the Wellington City Mangahao Endowment Sale Empowering Act 1924 for street widening purposes in lieu of the money that would have been received if the

Willis Street land had been sold. The purchase-moneys referred to in the Wellington City Mangahao Endowment Sale Empowering Act 1924 were the proceeds from the sale of the land that the Council had previously owned at Mangahao, Pahiatua as an endowment for municipal purposes. Those moneys were held on the proviso that they be used to purchase additional land to be held by the Council as an endowment for municipal purposes.

Section 13(1) of the Wellington City Empowering and Amendment Act 1929 also empowered the Council to purchase the Willis Street land as an endowment for municipal purposes.

The Wellington City Empowering and Amendment Act 1929 does not give any indication why section 13(2) of that Act was enacted. Nor does the Council's archives. Such a restriction did not apply to the Mangahao endowment land.

The Council does not believe that there is any reason why the land at 45 to 53 Willis Street, Wellington should not be able to be considered for sale as part of the Council's overall property strategy, with the sale proceeds being able to be used by the Council pursuant to the Local Government Act 1974.

Clause by clause analysis

Clause 1 sets out the title of the Bill.

Clause 2 provides that the Bill is to come into force on the day after the date on which it receives the Royal assent.

Clause 3 repeals section 13(2) of the principal Act. That provision prohibits the Wellington City Council from alienating the land described in Schedule 4 of the principal Act.

Hon Marian Hobbs

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The Parliament of New Zealand enacts as follows:

1 Title

(1) This Act is the Wellington City Empowering and Amendment Act **2002**.

(2) In this Act, the Wellington City Empowering and Amendment Act 1929¹ is called “the principal Act”.

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¹ 1929 No 12(L)

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Alternative method of disposal of proceeds of sale of the Mangahao Endowment of the Corporation

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Section 13(2) of the principal Act is repealed.