

*Napier Alignment Regulations, 1932.*

BLEDISLOE, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 17th day of June, 1932.

Present :

THE RIGHT HON. G. W. FORBES, PRESIDING IN COUNCIL.

WHEREAS, owing to the moving and disturbance by earthquake of soil and landmarks, difficulties have arisen and may arise in determining the boundaries of streets and other parcels of land in the Borough of Napier :

Now, therefore, in exercise of the powers conferred by the Hawke's Bay Earthquake Act, 1931, His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice of the Executive Council of the said Dominion, doth hereby make the following regulations.

REGULATIONS.

PART I.—PRELIMINARY.

1. THESE regulations may be cited as the Napier Alignment Regulations, 1932.

2. These regulations shall apply within the Borough of Napier, and shall come into force on the day following the publication hereof in the *Gazette*.

3. In these regulations, unless inconsistent with the context,—

- (a) "Borough" means the Borough of Napier ;  
 "Corporation" means the Corporation of the Mayor, Councillors, and Burgesses of the Borough of Napier ;  
 "Council" means the Napier Borough Council ; and includes the Committee of Management provided for in section 64 of the Hawke's Bay Earthquake Act, 1931, and, where necessary, includes the Corporation ;
- (b) "Alignment," in reference to a street, means any boundary thereof established as hereinafter provided :  
 "Standard line" means a right line which lies between the centre-marks of any two standard monuments and is surveyed as to length and direction :  
 "Standard monument" means a stone or concrete block or iron tube or similar object which is—  
 (i) Provided with fine centre-marks ; and  
 (ii) Erected in a substantial manner so as to secure permanence both of site and of elevation ; and  
 (iii) Situate in a public street or other land lying within the borough and vested in the Corporation and under the control of the Council :  
 "Street" means land which is the site of any public street or public road now or hereafter existing in the borough, and includes a portion of a street :
- (c) "Alignment order" means an order of the Court made under these regulations establishing the alignment of a street :  
 "Chief Surveyor" means the Chief Surveyor for the Hawke's Bay Land District, for the purposes of the Land Act, 1924 :  
 "Court" means the Hawke's Bay Adjustment Court established under the Hawke's Bay Earthquake Act, 1931 :  
 "Redefinition order" means an order of the Court made under these regulations defining the boundaries of parcels of land within any area.

PART II.—SURVEYS.

4. For the purposes of these regulations the Council shall provide such a number of standard monuments as the Chief Surveyor may deem sufficient in such positions as the Chief Surveyor may approve.

5. The Council shall thereupon cause to be surveyed such standard lines as the Chief Surveyor may think necessary.

6. Any standard monument heretofore provided and any standard line heretofore surveyed may, with the approval of the Chief Surveyor, be used for the purposes of these regulations.

7. All angular and linear measurements involved in surveys under these regulations shall be based on standard lines surveyed between such standard monuments as aforesaid.

8. Any person who, in the course of making, repairing, or maintaining streets, or of any other work which may be lawfully done in a street or any other place where there is a standard monument, desires to, or does inadvertently move or disturb any standard monument, shall report to the Chief Surveyor, who shall take all necessary steps to safeguard the position of

the monument, the cost of the work being charged to and recoverable from the person whose actions displaced or threatened to displace such monument.

9. Every survey under these regulations shall be done by a registered surveyor to the satisfaction of the Chief Surveyor, who shall certify to the correctness thereof by an endorsement to that effect made on the relative plan, and referring to these regulations.

PART III.—ALIGNMENT AND REDEFINITION.

10. Where in the opinion of the Council it is desirable that any alignment of a street be established, the Council may cause a survey of such street to be made and a plan (hereinafter referred to as "an alignment plan") to be prepared in conformity with such survey showing, in relation to standard lines and in respect of such side or portion of a street as may be affected by the proposed alignment,—

- (a) The lines of occupation at the time of survey along the frontages of the lands fronting such street :  
 (b) As far as the same can be determined, the lines of occupation of such lands immediately prior to the earthquake :  
 (c) As far as the same can be determined, the legal boundaries of the street.

11. Where in the opinion of the Council there has been a material horizontal displacement of the surface of the ground due to the earthquake, so that boundaries as shown by present occupation do not agree with the original boundaries upon which titles were issued, the Council may cause a survey to be made of the area to be redefined and a plan thereof (hereinafter referred to as a "redefinition plan") to be made showing,—

- (a) As far as the same can be determined, the position of the original boundaries :  
 (b) All existing occupation marks in relation thereto.

12. Every alignment plan and redefinition plan respectively shall also show the names of the owners and occupiers of lands affected, and all mortgagees and other persons having an interest therein, so far as they can be ascertained.

13. The Council, after due consideration of an alignment plan, may propose and cause to be marked thereon an alignment which, in its opinion, whilst conserving as far as possible the rights of the public to the full use of the street as originally laid out, does not entail undue hardship upon the owner or any person having an interest in any property affected by such alignment.

14. The Council shall cause to be marked on every redefinition plan such boundaries as in its opinion will most equitably conserve the interests and convenience of persons entitled to the parcels of land shown therein, having regard to such displacements as aforesaid.

15. The Council shall cause a copy of the alignment plan or redefinition plan respectively so marked to be deposited in some convenient place within the borough.

16. The Council shall give public notice by advertisement published not less than twice in one or more newspapers circulating in the district of its intention to make application to the Court for an order determining the permanent alignment of the street or for an order redefining the parcels within an area to be stated in the notice (as the case may be) and (in either case) of the place where the said plan is open for inspection, and shall by such notice call upon all persons objecting to the proposed alignment or redefinition (as the case may be) to set forth in writing any well-founded objections thereto, and to deliver such objections to the Council on or before a date to be specified therein, being not less than twenty-one days from the date of the first publication of such notice.

17. The Council shall cause a copy of such notice to be served upon the said owners, occupiers, mortgagees, and other persons so far as they can be ascertained.

18. Failure to show on any plan the name of a person having an interest in land, or failure to serve on any such person a copy of a notice as hereinbefore prescribed, shall not, unless done in bad faith, invalidate any proceedings under these regulations.

19. The said plan shall be open for inspection, without fee, by all persons at all reasonable hours from the date of the first publication of such notice until the date specified therein on or before which objections are to be delivered to the Council.

20. The Council may, upon the expiration of the period specified in the said notice, apply to the Court for an order determining the alignment of the street or redefining the parcels within such area as aforesaid (as the case may be), and shall with its application file a copy of the said plan and notice and of any objections thereto which may have been received.

21. The provisions of Part I of the Hawke's Bay Earthquake Act, 1931, relating to the Court and the procedure and