

New Zealand.



ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Definitions. 3. Portion of Town Belt to be used for exhibition site. 4. Provisions of Town Belt vesting deed suspended in relation to exhibition site. 5. Council to permit erection of buildings and construction of grounds on exhibition site. 6. Works to be carried out by the association. 7. Rights of user and occupation by association. Charges to be made by association. 8. Council's right to occupation. Public's right of access. 9. Power to borrow. 10. Association to use £5,000 of its funds for works purposes. 11. Disposal of revenue. | <ol style="list-style-type: none"> 12. Making up deficit. 13. Control of buildings. 14. Destination of profits after loan-money is paid off. 15. Construction of playground. 16. Provision for deposit of spoil from Wellington Education Board's land. 17. Provision for access to playground. 18. Closing of part of Hutchison Road. 19. Erection of buildings to be subject to certain conditions. 20. Expenditure to be incurred by association. If expenditure is not met, Council may determine operation of this Act. 21. Effect of non-compliance with provisions of Act other than those contained in section 20. 22. Duration of Act. Schedules. |
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1927, No. 5.—*Local and Personal.*

AN ACT to enable the Wellington City Corporation to permit the Wellington Show Association, Incorporated, to erect Buildings and construct Playgrounds on certain Portions of the Town Belt in the City, and to provide for the Maintenance and Control of such Buildings and Grounds and for the Use of the same for Exhibitions and Entertainments. Title.

[21st September, 1927.]

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

1. This Act may be cited as the Wellington City Exhibition Grounds Act, 1927. Short Title.
2. In this Act, unless inconsistent with the context,— Definitions.
 - “ Association ” means the Wellington Show Association, Incorporated :
 - “ Corporation ” means the Corporation of the Mayor, Councillors, and Citizens of the City of Wellington :
 - “ Council ” means the Wellington City Council :

“Exhibition site” means the land described in the First Schedule hereto :

“Profits” means excess of revenue over expenditure :

“Pleasure-ground” means the area marked “Playground” on the plan mentioned in the First Schedule hereto :

“Sports-ground” means the area marked “Sports-ground” on the plan mentioned in the First Schedule hereto.

Portion of Town Belt to be used for exhibition site.

3. Notwithstanding anything to the contrary in any Act, or in the deed dated the twentieth day of March, eighteen hundred and seventy-three, made between the Superintendent of the Province of Wellington and the Mayor, Councillors, and Citizens of the City of Wellington (hereinafter termed “the vesting deed”), whereby (*inter alia*) the Town Belt reserves of the City of Wellington are now vested in the Corporation upon and subject to the trusts and with the powers in the said deed set forth affecting the same, the Wellington City Council shall hold the exhibition site for the purposes hereinafter specified, and subject to and pursuant to the provisions of this Act.

Provisions of Town Belt vesting deed suspended in relation to exhibition site.

4. So long as this Act is in force all statutory provisions specially relating to the Town Belt, and the trusts relating to the Town Belt, and the powers of leasing relating to the Town Belt contained in the vesting deed, shall be suspended in relation to and shall not apply to the exhibition site.

Council to permit erection of buildings and construction of grounds on exhibition site.

5. (1) The Council shall permit the association, with moneys provided by the association, to construct an exhibition hall and grounds on the exhibition site.

(2) All buildings shall be erected in conformity with the plan submitted to and approved by the Council, or in conformity with such altered plan as the Council may hereafter approve.

(3) All excavation works and laying-out of grounds, fencing, and other work shall be constructed and carried out in accordance with plans approved by the Council to the satisfaction of the Council.

(4) The Council shall be under no financial or contractual obligations in respect of any works carried out on the site, and no statutory charge or lien shall attach to the exhibition site by reason of such work under the Wages Protection and Contractors’ Liens Act, 1908, or any other Act.

Works to be carried out by the association.

6. (1) All works to be constructed, executed, or done under this Act shall be carried out and paid for by the association.

(2) No work shall be undertaken by the association under this Act unless the same be properly and completely financed by the association, and the association supply to the Council a statement from its bankers that the credit of the association is sufficient to meet the association’s obligations as they arise, and the Council approves, by resolution, of the carrying-out of such works.

(3) No contract for any work to be done under this Act shall be binding unless it is approved after execution by the Council under seal.

Rights of user and occupation by association.

7. (1) The association shall have the right to occupy and use exclusively the said buildings and grounds (except the playground) for shows, contests, meetings, and entertainment purposes on one hundred days in each year, at periods to be mutually agreed on by the Council and the association, and on such other occasions as the Council shall from time to time by resolution permit.

(2) The scale of charges to be made for the use of the said buildings and grounds, also the admission charges, space rent, and other charges, when the grounds and buildings are occupied and used by the association, shall be fixed by the association with the approval of the Council.

Charges to be made by association.

8. (1) The Council shall, subject to the rights given under section seven hereof, have the right to occupy and use exclusively the said buildings and grounds free of charge on the other days of the year when the association's right of occupation and user are not exercisable, subject to the following conditions:—

Council's right to occupation.

(a) That no shows or exhibitions which are in competition with the functions of the association shall be permitted by the Corporation without the consent of the association (for the purpose of this section "shows and exhibitions" mean industrial shows and exhibitions, motor shows, live-stock shows, exhibitions of primary and secondary industries):

(b) That if the Council makes any charge for the use of the building or grounds at any time when the same is not in use by the association, the net profits, to be fixed in case of dispute by the Audit Office, shall be devoted to repayment of principal moneys borrowed under this Act by the association in connection with contracts for the works hereby authorized until all such principal moneys are repaid.

(2) Notwithstanding anything herein contained, the public shall, subject to the provisions of any by-law made for the protection of the land or buildings affected by this Act, have free right at all times (except when shows, exhibitions, contests, meetings, or entertainments are being held) to enter and remain upon any part of the exhibition site except such parts of the same as are occupied by buildings.

Public's right of access.

9. The association may at any time during the continuance of the operation of this Act borrow, by way of debentures or otherwise, at a rate not exceeding eight pounds per centum per annum, any sum or sums of money not exceeding in the aggregate fifty thousand pounds for the purpose of constructing and furnishing the exhibition buildings authorized to be constructed by this Act, and for executing any other work authorized by this Act.

Power to borrow.

10. The association shall use not less than five thousand pounds of the funds to its credit on the thirty-first day of August, nineteen hundred and twenty-six, for the purposes of the works authorized under this Act.

Association to use £5,000 of its funds for works purposes.

11. Until all moneys borrowed by the association under this Act have been repaid, all revenue received by the association shall, from and after the passing of this Act, be applied as follows:—

Disposal of revenue.

(a) In meeting the ordinary expenses of the association, including expenses of management, and including payment of manager, staff, agents, and employees, repair of building, maintenance of grounds, furniture, fittings, and plant, and losses on enterprises:

(b) In meeting the interest on any moneys borrowed by the association:

(c) In carrying out any contracts, works, or improvements authorized by this Act, or which may hereafter be approved by the Council:

(d) In making provision for meeting the principal moneys borrowed at the date of maturity of loans, by sinking funds or other forms of investment, or by paying off such debentures annually as may be determined by ballot up to whatever sum may be available for such purpose.

Making up deficit.

12. If the revenue applicable to meeting the expenditure mentioned in section eleven hereof shall be insufficient to meet the purposes thereof the deficit shall be made up from time to time by the association.

Control of buildings.

13. The control of the buildings and grounds shall be vested in the Council, but the Council shall have power to delegate all its functions, including the appointment of a manager, staff, agents, and employees, to a committee of the Council appointed and acting under the provisions of the Municipal Corporations Act, 1920, on which committee two members shall be Councillors appointed by the Council, and the rest shall be persons appointed by the Council annually on the nomination of the association; but the Council shall not be bound to appoint any such nominee, and may, if it thinks fit, remove any member of the committee.

Destination of profits after loan-money is paid off.

14. After all moneys borrowed by the association under this Act have been paid off the following provisions shall apply:—

(1) The Corporation may retain any profits received by it for the use of the ground or buildings at times when the same are not allocated to the use of the association. Such moneys shall be expended only for the purposes of the city's recreation reserves.

(2) The Council and the association shall respectively bear such share of the cost of maintenance, repair, and insurance of buildings, of attendants and servants, and of the cost of cleaning the buildings and maintenance of grounds, as may be agreed upon between the Council and the association.

(3) The profits made or received by the association shall be appropriated as follows:—

(a) Up to an amount not exceeding ten per centum of the total capital expenditure of the association in works and buildings under this Act such profits shall be expended in accordance with the present constitution of the association; but the association shall, subject in all respects in every instance with the consent and approval of the Council, have the right from time to time to grant any portion of such profits to any incorporated body prohibited by law from paying any dividend or bonus to its members that is acting in conjunction with the association in carrying out the purposes of this Act.

(b) The balance of such profits shall belong to the Corporation, and be used by the Corporation for the improvement of recreation reserves or grounds in the city.

Construction of playground.

15. (1) The association shall, in conjunction with the other works which it is authorized to execute, within three years from the passing of this Act, or such further time as may be fixed by the Council under the provisions of this Act, construct to the satisfaction of the Council, according to plans and specifications approved by the Council so as to be suitable for a cricket and football ground, the area marked

“Playground” on the plan mentioned in the First Schedule hereto, and shall fence such area to the satisfaction of the Council.

(2) Such grounds shall be used as a children’s playground at all times :

Provided always that the association shall have exclusive use of this ground during the periods of its Winter Show and of its Summer Show, and on such Saturday afternoons as the association requires the ground and is entitled to use the same under the provisions of this Act, and on such other occasions as may be agreed upon between the association and the Council, with the consent of the Wellington Education Board.

16. The association shall during the construction of the works authorized by this Act make provision to the satisfaction of the City Surveyor for the deposit of any spoil that may during the period of such construction be removed by the Wellington Education Board from its adjacent school-site.

Provision for deposit of spoil from Wellington Education Board’s land.

17. The strip fifty feet wide shown on the plan mentioned in the First Schedule hereto lying between Town Sections 907, 909, and 911 and the exhibition site shall be maintained by the association as an approach to the playground.

Provision for access to playground.

18. The Council shall, as soon as the deviation street shown on the said plan mentioned in the Second Schedule hereto is constructed in accordance with the provisions of this Act, by resolution close the portion of Hutchison Road situate on the exhibition site.

Closing of part of Hutchison Road.

19. The erection of buildings authorized by this Act, and the works authorized by this Act, shall be executed and done until completion of the same upon and subject to the conditions and provisions set out in the Second Schedule hereto.

Erection of buildings to be subject to certain conditions.

20. (1) The association shall in the erection of buildings and the completion of works authorized by this Act expend money to the satisfaction of the Council as follows :—

Expenditure to be incurred by association.

(a) Within one year of the passing of this Act, a total sum of ten thousand pounds.

(b) Within two years of the passing of this Act, a total sum of twenty thousand pounds.

(c) Within three years of the passing of this Act, a total sum of thirty thousand pounds.

(d) Within five years of the passing of this Act, a total sum of forty thousand pounds.

(2) If the association fails at any time to comply with the provisions of subsection one of this section the Council may, if it thinks fit, determine all rights of the association under this Act, and in such case the operation of this Act shall cease.

If expenditure is not met, Council may determine operation of this Act.

21. (1) If the association shall, in the opinion of the Council, substantially fail to comply with any of the provisions of this Act other than those mentioned in section twenty of this Act, or if sufficient funds are not provided to maintain the buildings and grounds situate on the exhibition site in good repair and condition, the Council may, by special order made pursuant to the provisions of the Municipal Corporations Act, 1920, declare that the provisions of this Act cease to operate.

Effect of non-compliance with provisions of Act other than those contained in section 20.

(2) If before the meeting to be held to confirm the special order any aggrieved person objects to the making of the special order the confirming resolution shall not be passed until the Council has had an inquiry into the grounds of objection of any such person.

(3) No special order shall operate or take effect until it has been consented to as fair and equitable by the Supreme Court of New Zealand on application made for that purpose by an originating summons.

(4) (a) The Court on any such application may require such persons to be served as it thinks fit, and require such advertisement as it thinks fit to be inserted in the *Gazette* or in any newspaper circulating in New Zealand; and the Court shall hear all persons who claim that they or the persons whom they represent would be aggrieved or affected by such special order.

(b) The Court may on any such application make an order granting or refusing its consent, or may adjourn the proceedings from time to time to permit the provisions of this Act to be complied with.

Duration of Act.

22. This Act shall continue in force for a period of fifty years from the passing thereof and no longer, and immediately on the expiration of such period the exhibition site shall revert to the Corporation and be held by it as pleasure-grounds and buildings under the Municipal Corporations Act, 1920, and particularly under section three hundred and two thereof.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

ALL that parcel of land, containing by admeasurement 12 acres 3 roods 24·8 perches, a little more or less, being portion of the Town Belt Reserve, City of Wellington, and shown on plan numbered 263/30, deposited with the Chief Surveyor, Wellington, divided into three portions, marked "Building-site, 4 acres 3 roods 33·7 perches; sports-ground, 5 acres 1 rood 20·3 perches; playground, 2 acres 2 roods 10·8 perches." The boundaries are as follows: Commencing at the south-western corner of Section 915, Town of Wellington, being the north-western corner of Hall Street; thence in a westerly direction for the following bearings and distances (all distances being in links)—283° 12' 20", 76·95; 215° 59' 40", 160·37; 255° 34', 160·02; 259° 27', 410·30; 291° 42', 106·0—to the eastern boundary of Hutchison Road; thence in a northerly direction along the eastern boundary of the said road and the proposed deviation thereof as follows—44° 35', 57·14; 306° 38' 40", 266·79; 344° 23' 30", 62·37; 11° 13' 45", 147·33; 36° 34' 40", 589·75; 43° 35', 121·35; 40° 47', 98·53; 21° 09' 30", 105·96; 1° 32', 105·96; 341° 55', 97·54; 341° 23', 75·87; 359° 56', 67·47; 18° 29', 67·47; 37° 03', 67·47; 55° 36', 67·47; 74° 09', 67·47; 92° 42', 71·58—to the southern side of Westland Road; thence in an easterly direction along the southern side of Westland Road and across the north-eastern portion of Hutchison Road as follows—101° 58' 50", 306·23; arc, 67·6; 178° 50' 16", 77·70; 102° 48' 40", 115·46; 102° 41', 76·94—to the north-western corner of Section 907; thence in a southerly direction along the western boundaries of Sections 907, 909, 911, 913, 915, Town of Wellington, as follows—192° 56' 54", 501·23; 192° 38' 43", 253·98; 193° 01' 49", 251·84; 192° 49' 25", 253·00—to the point of commencement.

SECOND SCHEDULE.

DEVIATION OF HUTCHISON ROAD.

1. (1) As the erection of the proposed exhibition building as shown on plan will completely block the lower portion of Hutchison Road as now existing through the Town Belt, and a deviation street to maintain necessary access to the Vogeltown and Mornington districts will be necessary, the association must submit complete construction plans of the proposed deviation street from its commencement at Westland Road to its junction with the existing Hutchison Road at the extreme south-west corner of the exhibition site.

(2) The construction plans shall be in conformity with the Council's requirements in relation to the construction of streets on private property.

(3) (a) The deviation street shall be 66 ft. wide measured at right angles to its course.

(b) The width of formation shall be a total width of 26 ft., in which shall be included a 6 ft. footpath constructed on the eastern edge of the road formation in tar-macadam or bitumen or mineral asphalt.

(c) The outside edge of footpath shall have a protection fence of suitable design, with top rail, middle rail, and gravel-board.

(d) The whole of the construction work to be carried out in accordance with the general conditions referred to and to the approval of the City Surveyor.

ACCESS-WAY FROM HALL STREET TO HUTCHISON ROAD.

2. The access track from Hall Street to Hutchison Road as shown on the plan mentioned in the First Schedule hereto shall be diverted and constructed south of the exhibition site. The whole of the construction work in constructing the new track shall, including grading of path, gravelling surface, erection of hand-railing, and controlling of storm-water, be carried out by the association to the satisfaction of the City Surveyor.

RETAINING-WALLS.

3. All retaining-walls to be erected on the exhibition site in connection with buildings or works constructed under the provisions of this Act shall be completed to the satisfaction of the City Surveyor, and complete detail plans shall be submitted to and approved by the City Surveyor before the work is commenced.

STORM-WATER DRAINAGE OF TIP.

4. The existing storm-water drainage at the foot of the tip known as the Hutchison Road tip to be extended or diverted as required by the City Surveyor as the development of the proposed recreation-ground proceeds.

GAS, WATER, AND DRAINAGE SERVICES, ETC.

5. All services, such as gas, water, drainage, storm-water drainage, power-supply, electric light, and telephone, which are existing under or overhead in that street portion of Hutchison Road which is to be closed shall be transferred and relocated in the new road-deviation at the expense of the association by the respective owners of the same, to the satisfaction of the City Surveyor.

CONDITIONS IN RESPECT OF EXHIBITION BUILDING.

6. (a) The eastern face of the exhibition building to be placed at least 50 ft. from the western boundary of Town Sections 907, 909, and part of Town Section 911, and the area between the said town sections and the eastern face of the building shall be maintained for all time as a clear right-of-way for the full length of the building and southward thereof, so as to give access from the Education Board property to the playground.

(b) The main frontage—namely, the northern building-line of the main exhibition building—shall be kept at a distance of at least 75 ft. south of the south boundary of Westland Road, and no other building shall be erected between such building and Westland Road.

(c) The floor construction level of the main building to be fixed so as to conform to the existing levels and general formation of Westland Road, Wallace Street Extension,

and the lower portion of Hutchison Road at its intersection with Tasman Street, on which the properties on Town Acre 905 have frontages.

PROCEDURE TO BE FOLLOWED BY THE ASSOCIATION IN CARRYING OUT THE CONSTRUCTION WORK AS PROPOSED IN RELATION TO STREETS AND ERECTION OF BUILDINGS.

7. (1) The proposed Hutchison Road deviation construction work shall be completed in its entirety to the satisfaction of the City Surveyor before the existing Hutchison Road is closed for vehicular or pedestrian traffic.

(2) The association shall maintain the existing highway over the portion of Hutchison Road to be closed and the exhibition site to and from the existing tip known as "Hutchison Road tip" until such time as the proposed deviation is available for traffic. The existing access to the Hutchison Road tip over the exhibition site is to be preserved to and reserved for the use of the Corporation so as to permit the Council to have full use of the tip until the sports-ground is completed.
