

New Zealand.

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1905, No. 44.—*Local.*

AN ACT to empower the Borough Councils of Petone and Hutt to provide for the Wellington Harbour Board a Site for Wharf-shed Accommodation at Petone, and to empower the Petone Borough Council to extinguish Private Rights in the Petone Beach, and to empower the Governor to vest the said Beach in the Petone Borough Council, and thereafter to vest Part of the said Beach in the Wellington Harbour Board.

[30th October, 1905.]

WHEREAS the Petone and Hutt Borough Councils have requested the Wellington Harbour Board to erect a wharf at Petone suitable for cart and railway traffic, and the Harbour Board has intimated that before it would undertake to erect such a wharf it would require (1) that a site should be provided conveniently near the site of such proposed wharf for the erection thereon of store and other accommodation necessary for the expected trade of such wharf; (2) that private rights, if any, existing in any lands immediately contiguous to high-water mark in the vicinity of the site of the proposed wharf should be extinguished; (3) that so much of this land as would be

Preamble.

covered by the approaches, either road or railway, to the proposed wharf should be vested in and under the control of the Board; (4) that if railway-lines are to be put down on such wharf access be arranged and through communication provided to the New Zealand Government railway system: And whereas the Petone and Hutt Borough Councils have insufficient statutory or other powers to enable them to comply with any of such conditions stipulated for by the Wellington Harbour Board should they think fit to do so, and it is desirable that they should have such powers, subject to the rate-payers of the Boroughs of Petone and Hutt approving of the necessary expenditure by their respective Borough Councils:

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

Short Title.

1. The Short Title of this Act is “The Petone and Hutt Corporations Empowering Act, 1905.”

Interpretation.

2. “The Petone Borough Council” means the Mayor, Councillors, and Burgesses of the Borough of Petone:

“Hutt Borough Council” means the Mayor, Councillors, and Burgesses of the Borough of Hutt:

“Harbour Board” means the Wellington Harbour Board constituted under “The Wellington Harbour Board Act, 1879,” and its amendments:

“Beach” means that part of the land lying between high-water mark and the southern boundary of the Esplanade Road in the Borough of Petone, and bounded on the west by the Korokoro Stream and on the east by the eastern boundary-line of the said Borough of Petone.

PART I.

**Hutt and Petone
Borough Councils
may purchase land
for wharf stores and
raise special loans
for purchase-money.**

3. The Petone Borough Council and the Hutt Borough Council may, either separately or conjointly, on such terms as may be agreed upon between the said Councils, purchase any land which the Harbour Board may have approved of as a site for stores and other accommodation in connection with the said wharf, and may pay for the said land or an agreed-upon share of the purchase-money of the same out of special loans, which are hereby authorised to be raised by either or both of the said Councils, with the approval of the rate-payers of their respective boroughs, under the provisions of “The Local Bodies’ Loans Act, 1901,” and its amendments.

**May pledge special
rates.**

4. As security for the interest and sinking fund, if any, on such special loans, the Petone and Hutt Borough Councils may pledge such respective special rates on all rateable property in their respective boroughs as may be given notice of in any loan proposals on the subject carried by the ratepayers of the respective boroughs, but need not actually levy any portion of such rates if they shall prefer to pay the said charges out of the District Fund of their respective boroughs.

**Councils purchasing
may afterwards vest
site in Wellington**

5. The Council or Councils which may have purchased such land for the purposes aforesaid under the powers hereinbefore con-

tained may thereafter vest the same in the Harbour Board, either in fee-simple or for such term and upon such conditions in all respects as may be agreed upon between the Council or Councils purchasing the same and the Harbour Board.

Harbour Board on conditions agreed.

6. The Petone Borough Council may grant to the Harbour Board the right to lay down and work a line or lines of tram-rails upon or over any of the streets or property of the said Council from such proposed wharf, when constructed by the Board, to the site so provided for sheds and stores as aforesaid, upon such terms and conditions as may be agreed upon between the Petone Borough Council and the Harbour Board.

Petone Borough Council may grant Harbour Board right to lay tram-lines to store-site.

PART II.

7. The Petone Borough Council may purchase any private interests which may exist in any part of the beach; and the Governor, on being satisfied that all private rights to the beach have been extinguished, may, upon the request of the Petone Borough Council, by Proclamation published in the *Gazette*, vest the whole of the beach, or such part thereof as the Governor shall think fit, in the Petone Borough Council as a reserve for the purposes of a public promenade and recreation area, subject to the right of access over the same being reserved to the Harbour Board in connection with harbour-works or for harbour purposes; and upon the publication of such Proclamation in the *Gazette* the beach named therein shall absolutely vest in and be under the control of the Petone Borough Council for the purposes aforesaid.

Petone Borough Council may purchase private rights in Petone Beach, and Governor may then vest beach in Petone Council for public reserve.

8. After the beach shall have been vested as aforesaid in the Petone Borough Council the said Council may spend money in ornamenting and improving the beach as a public promenade, and in building band rotundas and bathing and boating sheds thereon, but shall not build or allow to be built thereon any residence or buildings of any kind other than those of the nature hereinbefore mentioned.

Council may spend money in improving beach, but may not build residences.

9. After the said beach shall have been so vested in the Petone Borough Council the said Council may, under and subject to the provisions of "The Municipal Corporations Act, 1900," make by-laws regulating the use of the same by the public, prescribing such terms, rentals, and conditions under which bathing or boating sheds may be erected thereon as to the Council may seem fit, and providing for the protection of the said beach and the keeping of the same in a clean and sanitary condition, and for the protection of any buildings, conveniences, or ornamentations erected thereon, or any plantations thereon, and generally securing to the Council the efficient control of the beach for the purposes aforesaid.

Council may make by-laws regulating use of beach, and providing for protection and control thereof.

10. The Petone Borough Council may, subject to the approval of the Governor in Council, lease, if it thinks fit, by private contract to any Volunteer corps, rowing or boating club, or to trustees on behalf of any such corps or club, a site on the said beach when vested in the said Council, for the *bona fide* purposes of boating-sheds, in such manner and for such term of years as the said Council shall think fit; and any rentals reserved may, in the discretion of the

Council may lease sites on beach to Volunteer corps or boating clubs by private contract for *bona fide* boating purposes.

said Petone Borough Council, be less than the full improved or ground rent. Every such lease shall be granted subject to the condition that no such club shall have the power of subletting any part of the land leased to them, and that all land so leased shall revert to the Petone Borough Council and the lease thereof be determined in the event of such land not being *bona fide* used for the objects and purposes for which it was leased.

Council may raise money for purchase and improvement of beach by special loan, and pledge special rate.

11. The Petone Borough Council may raise such sums of money as it thinks fit for the purchase of private rights in the beach and for the improvement of the same, after it shall have been vested by Proclamation in the Council, by way of special loan under and subject to the provisions of "The Local Bodies' Loans Act, 1901," and its amendments; and may, in order to provide the interest charges and sinking fund, if any, in connection with such loan, pledge such special rate on all rateable property in the Borough of Petone as may be mentioned in the notice published in accordance with the said Act prior to the poll being taken in connection with the raising of the said loan, but need not actually levy any part of such special rate if the said Council shall prefer to pay the said charges out of the District Fund.

Governor may, by request of Petone Council, vest in Wellington Harbour Board part of beach for access to wharf.

12. After the beach shall have been vested as aforesaid in the Petone Borough Council the Governor may, on the request of the Petone Borough Council, by notice in the *Gazette*, vest in the Harbour Board such of the said beach as may be agreed upon between the Petone Borough Council and the Harbour Board as necessary for convenient access to the root of any wharf and for the working thereof; and upon publication of such notice in the *Gazette* the said land shall absolutely vest in the Harbour Board for the purposes for which the Harbour Board is constituted.

PART III.

Power to dispose of certain rights to Lower Hutt Borough Council.

13. (1.) Anything in "The Petone Corporation Lighting and Sanitation Loans Empowering Act, 1898" (hereinafter called "the said Act") notwithstanding, it shall be lawful for the Petone Borough Council to sell and dispose of to the Mayor, Councillors, and Burgesses of the Borough of the Lower Hutt, at such price as the Petone Borough Council and the Lower Hutt Borough Council mutually agree upon, all the rights whatsoever of the Mayor, Councillors, and Burgesses of the Borough of Petone and of the Petone Borough Council under the said Act to construct and maintain works for the manufacture and distribution of gas and of electricity, and for the lighting of streets and public places, and the supply of gas and electricity for lighting and heating purposes and for motive power within the Borough of Lower Hutt, and all its mains, lamps, pipes, conduits, service-pipes, and other plant and material whatsoever used or employed for such purposes within the Borough of the Lower Hutt.

(2.) Upon such sale being effected, all liability of the Petone Borough Council under the said Act for the supply and distribution of gas and electricity within the boundaries of the Borough of the Lower Hutt in any way in connection therewith, and all right and

liberty to supply and distribute gas and electricity within such last-mentioned borough, shall cease and determine.

(3.) The Lower Hutt Borough Council shall not exercise this power of purchase, nor the Petone Borough Council this power of sale, until the ratepayers of the respective boroughs have approved of the proposed sale and purchase at a poll taken in each borough under the provisions of "The Local Elections Act, 1904."

(4.) All moneys received by the Petone Borough Council from the Lower Hutt Borough Council in respect to such sale shall be applied in or towards repayment of the principal and interest moneys of any special loan raised for lighting purposes by the Petone Borough Council under the provisions of the said Act.