

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE.]  
6th October, 1905.

Mr. Wilford.

PETONE AND HUTT CORPORATIONS EMPOWERING.

[LOCAL BILL.]

ANALYSIS.

- Title.
- Preamble.
- 1. Short Title.
- 2. Interpretation.

PART I.

- 3. Hutt and Petone Borough Councils may purchase land for wharf stores, and raise special loans for purchase-money.
- 4. May pledge special rates.
- 5. Councils purchasing may afterwards vest site in Wellington Harbour Board on conditions agreed.
- 6. Petone Borough Council may grant Harbour Board right to lay tram-lines to store-site.

PART II.

- 7. Petone Borough Council may purchase private rights in Petone Beach, and Governor may then vest beach in Petone Council for public reserve.
- 8. Council may spend money in improving beach, but may not build residences.

- 9. Council may make by-laws regulating use of beach, and providing for protection and control thereof.
- 10. Council may lease sites on beach to Volunteer corps or boating clubs by private contract for *bona fide* boating purposes.
- 11. Council may raise money for purchase and improvement of beach by special loan, and pledge special rate.
- 12. Governor may, by request of Petone Council, vest in Wellington Harbour Board part of beach for access to wharf.

PART III.

- 13. Petone Borough Council may purchase Hutt Park Railway-line, subject to the Governor's power of purchase.
- 14. If line purchased by Council all rights and liabilities under District Railways Act shall vest in and be binding on Council.
- 15. If line purchased by Council, all rights and liabilities under District Railways Act shall vest in and be binding on Council.
- 16. Council may raise special loan for purchase of railway-line, and pledge special rate as security.

A BILL INTITULED

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.

Title.

*Struck out.*

and to empower the Petone Borough Council to purchase the Railway-line and Property of the Hutt Park Railway Company (Limited), and to raise Moneys for the above Purposes by way of Special Loan.

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

Preamble.

(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 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 :

*Struck out.*

And whereas, in order that the last above-mentioned stipulation may be conveniently complied with, and for other reasons in the interests of the Borough of Petone, the Petone Borough Council is desirous of acquiring the railway-line and property of the Hutt Park Railway Company (Limited), such railway-line running along the seashore in the Borough of Petone past the site of the proposed wharf, and having a junction with the New Zealand Government Railway system; but the said Council has no power to effect the acquisition of such railway-line :

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 ratepayers 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 beach 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.

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

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

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.

5 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,  
10 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.

May pledge special rates.

15 5. The Council or Councils which may have purchased such land for the purposes aforesaid, under the powers hereinbefore contained, 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.

Councils purchasing may afterwards vest site in Wellington Harbour Board on conditions agreed.

20 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  
25 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 ~~be deemed to~~ exist in any part of the beach; and the Governor, on being satisfied that all private rights to the  
30 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  
35 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.

40 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  
45 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,  
50 rentals, and conditions under which bathing or boating sheds may be erected thereon as to the Council may seem fit, and providing for the

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

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

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 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.

*Struck out.*

PART III.

Petone Borough Council may purchase Hutt Park Railway-line, subject to the Governor's power of purchase.

13. The Petone Borough Council may purchase and the Hutt Park Railway Company, Limited (being a company incorporated under "The Companies Act, 1903," and hereinafter called "the Company"), may sell to the Petone Borough Council, on such terms as may be agreed upon, the railway known as the Hutt Park Railway-line belonging to the company, constructed by authority and under the provisions of "The District Railways Act, 1877," and the Acts amending the same, and all the land and railway-works of the

company, together with all the company's rights, powers, and privileges under the said Act; and otherwise, but subject to all the contracts and engagements as to running-rights and otherwise entered into by the company, and subject to the right reserved under the said Act to the Governor to purchase the said railway.

14. If the said Hutt Park Railway line shall be purchased from the company by the Governor under the powers contained in "The District Railways Act, 1877," the Governor may sell the same to the Petone Borough Council, and the Petone Borough Council may purchase the said railway, and all the estate and interest which the company had therein prior to the same being purchased by the Governor, at the price the Governor paid to the company for the same, with an added sum equal to the cost incurred by the Governor in effecting such purchase, and the amount (if any) spent by the New Zealand Railway Department upon the said railway subsequent to the purchase by the Governor and prior to the sale to the Petone Borough Council.

15. If the said Hutt Park Railway shall be purchased by the Petone Borough Council from the company or the Governor under the powers hereinbefore contained, the said railway, and all rights appertaining thereto, shall vest in the Petone Borough Council in as full and ample a manner as if the Petone Borough Council had been originally authorised to construct and had constructed the said railway under the provisions of "The District Railways Act, 1877," and the Petone Borough Council shall be subject to the same obligations, duties, and liabilities under the said Act and under any contracts entered into by the company as the company was subject to prior to sale of its rights.

16. The Petone Borough Council may raise by way of special loan under the provisions of "The Local Bodies' Loans Act, 1901," such sum as it finds necessary to pay the purchase money agreed to be paid to the company or the Governor, respectively, for the said Hutt Park Railway, and the rights hereinbefore mentioned, and the costs of such acquisition, and in order to provide security for the interest and sinking fund (if any) on such loan may pledge such special rate upon all rateable property in the Borough of Petone as may be specified in the proposals for the loan publicly notified prior to taking a poll of the ratepayers under "The Local Bodies' Loans Act, 1901.

If railway-line purchased by Governor from Hutt Park Railway Company, Limited, then Governor may sell to Petone Borough Council.

If line purchased by Council, all rights and liabilities under District Railways Act shall vest in and be binding on Council.

Council may raise special loan for purchase of railway-line, and pledge special rate as security.