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*This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES,
and, having this day passed as now printed, is transmitted to
the LEGISLATIVE COUNCIL for its concurrence.*

*House of Representatives,
9th September, 1926.*

Right Hon. Sir Joseph Ward.

PETONE BOROUGH COUNCIL EMPOWERING.

[LOCAL BILL.]

ANALYSIS.

Title.	4. Council may declare certain highways to be public streets.
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A BILL INTITULED

AN ACT to empower the Petone Borough Council to close certain Rights-of-way, Roads, or Highways within the Borough of Petone, and to declare certain Rights-of-way, Roads, or Highways to be Public Streets, and to vest certain Lands in the Corporation as a Reserve for the Purposes of a Public Promenade and Recreation Area.

WHEREAS certain rights-of-way, roads, or highways within the Borough of Petone being of inadequate width and separated by narrow strips of land have conduced to the creation of slum conditions: And whereas an opportunity has occurred for the abolition of such slum area, and it is desired to close certain portions of such rights-of-way, roads, or highways, and, after widening the same, to constitute the remainder public streets: And whereas it is desirable and expedient that the Petone Borough Council should be given control over a portion of the beach within the borough, and over a certain reserve within the borough, now vested in the Crown, and comprising the eastern portion of the Petone Beach, by vesting the same in the Corporation: And whereas the Petone Borough Council desires to combine with such reserve certain adjoining land (now vested in the Corporation for sanitary purposes but unlikely in the future to be so required) so as to form a recreation area:

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

No. 63—3.

Short Title.

1. This Act may be cited as the Petone Borough Council Empowering Act, 1926.

Interpretation.

2. In this Act,—

“ Council ” means the Petone Borough Council :

“ Corporation ” means the Corporation of the Borough of Petone. 5

Council may close certain highways within the borough.

3. (1.) The Council may, by special order, declare to be closed those portions described in the *First* Schedule hereto of the rights-of-way, roads, or highways within the Borough of Petone known respectively as Nevis Street and Lochy Street, and so shown on a plan deposited in the Lands Registry Office at Wellington as Number 675, 10 as laid out on the said plan.

(2.) Upon the confirmation of such special order the portions of Nevis Street and Lochy Street described in the *First* Schedule hereto shall be deemed to be and shall be closed to the public, and all public and private rights therein shall be extinguished, and the soil thereof 15 shall by force of this Act vest in fee-simple in the Corporation ; and the Council may at any time thereafter sell the fee-simple of such portions, or of any part or parts thereof, by public auction or public tender, to the owner or owners of any land adjoining the same.

Council may declare certain highways to be public streets.

4. The Council may, by special order, declare to be public streets 20 those portions of Nevis Street and Lochy Street described in the *Second* Schedule hereto, and the same shall upon the confirmation of such special order be deemed to be and shall become and be public streets within the meaning of the Municipal Corporations Act, 1920 :

Provided that no such special order shall be passed, or if passed 25 have effect, until the width of such portions shall have been increased to fifty feet.

Vesting certain lands in Council as a recreation reserve.

5. (1.) As from the commencement of this Act the piece of land known as and comprising Section 23, Block XIII, Belmont Survey District, and also all that piece of land which is situate between high- 30 water mark and the southern boundary of the public road in the Borough of Petone known as the Esplanade, and is bounded on the east by part of Section 23, Block XIII, Belmont Survey District, and on the west by the western boundary of Section 8, Hutt District, shall vest in fee-simple in the Corporation as a reserve for the purposes of a public 35 promenade and recreation area, subject to full and free right of access over, across, and along the same for all persons (with or without horses or other animals or vehicles of any description) for all purposes of or connected with any harbour-work erected or to be erected at any time by the Wellington Harbour Board or the user or working thereof or for 40 any harbour purpose, and subject to the right of the Wellington Harbour Board to carry on from time to time dredging operations in accordance with the plan marked M.D. 6150 approved of by the Governor-General in Council without any claim or action being made by the Council brought in respect of any encroachment by the 45 sea on the said land or any accretion thereto occasioned thereby ; and, in addition to any powers hereby conferred upon it, the Council shall have in respect of the said piece of land all the powers conferred upon the Council by sections eight to twelve inclusive of the Petone and Hutt Corporations Empowering Act, 1905, in respect of 50 land vested pursuant to Part II of that Act:

Provided that nothing herein shall in any way affect the operation of the Hutt River Improvement and Reclamation Act, 1922, or the vesting of any land in the Hutt River Board as provided by that Act :

5 Provided further that the Hutt River Board may at all reasonable times, by itself, its servants or workmen, and with or without carriages loaded or unloaded, enter into and pass through and over any portion of Sections 23 and 24, Block XIII, Belmont Survey District, for the purpose of carrying out any works to be constructed under the provisions of the River Boards Act, 1908, or the Hutt River Improvement and Reclamation Act, 1922, and for the purpose of maintaining and repairing any works so constructed, doing thereby no unnecessary or avoidable damage to such lands.

10 (2.) Notwithstanding anything contained in subsection one of this section, the Council may lease to McArthur Brothers (Limited), a company duly incorporated under the provisions of the Companies Act, 1908, that portion of the said piece of land at present occupied by the company, together with such adjacent portions as may seem reasonable to the Council, for a term to expire on or before the thirty-first day of July, nineteen hundred and thirty-seven, at such rental and upon such terms and conditions as the Council shall determine :

20 Provided that the total area to be leased to the company shall not exceed one half-acre.

6. (1.) The Governor-General, at the request of the Council, may at any time, by Proclamation, vest the piece of land known as and comprising Section 24, Block XIII, Belmont Survey District, in the Council as a reserve for the purposes of a public promenade and recreation area, and upon the gazetting of such Proclamation the said piece of land shall vest accordingly unfettered by the present trust for sanitary purposes, and the Council shall have in respect thereof all the powers set forth in sections eight to twelve inclusive of the Petone and Hutt Corporations Empowering Act, 1905.

Governor-General
may vest certain
lands in Council.

30 (2.) In addition to the powers set forth in section eight of the Petone and Hutt Corporations Empowering Act, 1905, the Council may erect on the said piece of land any pavilion, dressing-shed, or other building which in the opinion of the Council will enable the said piece of land to be more usefully or conveniently enjoyed by the public.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

THAT portion of Nevis Street lying to the south of Lochy Street, and that portion of Lochy Street lying to the west of Nevis Street.

SECOND SCHEDULE.

THAT portion of Lochy Street lying to the east of Nevis Street, and that portion of Nevis Street lying to the north of Lochy Street.

By Authority: W. A. G. SKINNER, Government Printer, Wellington.—1926.