

Mr. Duthie.

WELLINGTON (CITY) SUBURBS SANITATION.

ANALYSIS.

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A BILL INTITULED

AN ACT for including Portions of certain Districts adjacent to the City of Wellington, within the Jurisdiction of the Council of the City of Wellington for Drainage, Sanitation, and other Purposes.

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

- 1. The Short Title of this Act is "The Wellington (City) Suburbs Sanitation Act, 1893." Short Title.
- 2. In this Act, if not inconsistent with the context,— Interpretation.
 - "City" shall mean the City of Wellington, including any extensions thereof to be hereafter made:
 - "Wellington Corporation" shall mean the Mayor, Councillors, and Citizens of the City of Wellington:
 - ~~"Melrose Corporation" shall mean the Mayor, Councillors, and Burgesses of the Borough of Melrose:~~
 - "Wellington Council" shall mean the Council of the City of Wellington:
 - ~~"Melrose Council" shall mean the Council of the Borough of Melrose:~~

“The said Act” shall mean “The Municipal Corporations Act, 1886.”

PART I.

PORTION OF MELROSE AND KARORI BOROUGHS INCLUDED IN THE CITY OF WELLINGTON FOR DRAINAGE PURPOSES, AND MADE SUBJECT TO DRAINAGE RATES. 5

Portions of Melrose and Karori Boroughs deemed within City of Wellington for drainage purposes.

3. The portions of the Boroughs of Melrose and Karori described in the *First* Schedule hereto shall be deemed included within the boundaries of the city for the purpose of the provisions contained in the said Act, and all other public Acts for the time being in force relative to the subject of drainage of boroughs; and also for the purpose of the provisions of every Act of a local or private nature conferring drainage powers upon the Wellington Council or the Wellington Corporation, or otherwise affecting the subject of the drainage of the city. 10

Portions of Melrose and Karori Boroughs subject to drainage rates of city.

4. The said portions of boroughs shall be subject to every special rate heretofore or to be hereafter made by the Wellington Council for the purpose of providing the interest, or the interest and sinking fund, upon the special loan of one hundred and sixty-five thousand pounds authorised by “The Wellington City Sanitation Loan Empowering Act, 1892,” and upon any other loan to be hereafter raised by such Council for all or any of the following purposes:— 20

- (1.) The providing (in exercise of the powers given to the Wellington Council by the said Act, and of all other powers enabling it in that behalf) of an efficient system of drainage for the city, whereby the sewage and drainage of the city will be conveyed and discharged direct into the sea in Cook Strait, or be dealt with under the provisions of the next subsection, and improving or extending such system: 25
- (2.) The acquisition of lands situate outside the city convenient for the collecting, utilising, and selling of sewage matter conveyed thereto under such system of drainage for agricultural and other purposes, or for disposing of such sewage matter by means of fertilising or otherwise improving the lands so acquired: 35
- (3.) The providing the cost of the connection of private premises situate within the city with new sewers and drains in cases where existing connections made by private owners or occupiers at their own expense will be interfered with: 40
- (4.) The acquisition, in connection with such system of drainage, of lands situate within or without the city, and of any rights, easements, advantages, or appurtenances in respect of any land situate within or without the city, and of any buildings, engines, machinery, and other things: 45
- (5.) The payment to any persons injuriously affected by reason of any of the matters or things aforesaid of such compensation as they may by law be entitled to:
- (6.) Any other purpose incidental or in relation to any of the purposes hereinbefore defined: 50

Provided the said portions of the Boroughs of Melrose and Karori

shall be included by the Wellington Council in the system of drainage for which such loan is raised.

5 5. For the purposes of making and levying every such special rate as aforesaid in and for the said portions of the Boroughs of Melrose and Karori, the same proceedings shall be adopted as if the said portions of the boroughs were an entire boroughs, and the Wellington Council and the Wellington Corporation were respectively the Council and Corporation of such borough, and the officers of the Wellington Council were the officers of such boroughs; and accordingly a separate valuation-list and valuation-roll of the annual values of properties, and a separate rate-book, shall be made and provided by the Wellington City Council and its officers in respect of every such rate in and for the said portions of the boroughs; and every such rate shall be demanded and sued for by the Wellington Council or its officers; and all such other proceedings in connection with the making and levying thereof shall be taken and suffered as for the time being are or ought to be taken or suffered by the Wellington Council or its officers with respect to the making and levying of rates in and for the city.

Provisions as to making and levying drainage rates within the portion of Melrose and Karori.

20 6. In making any such valuation-list or roll or rate-book or demand as aforesaid, or in any other document or legal or other proceedings for the purpose of making or levying any such special rate as aforesaid, in and for the said portion of borough, such portion of borough may be described as "The portions of the Boroughs of Melrose and Karori by 'The Wellington (City) Suburbs Sanitation Act, 1893,' declared subject to Special Rates made and levied by the Council of the City of Wellington for drainage purposes."

Description of the parts of Melrose and Karori.

PART II.

30 INCLUSION OF PORTION OF THE BOROUGH OF MELROSE AND KARORI IN THE DISTRICT OF THE WELLINGTON LOCAL BOARD OF HEALTH.

35 7. The respective limits of the several districts constituted under the provisions of "The Public Health Act, 1876," and now comprising respectively the City of Wellington and the Boroughs of Melrose and Karori, are hereby altered, so as to include within the district comprising such city, and accordingly within the jurisdiction of the Wellington Council as the Local Board of Health for such district, and to exclude from the districts comprising such boroughs, the said portions of the same boroughs described in the *First* Schedule hereto.

Parts of Melrose and Karori included in district of Wellington Local Board of Health.

40 8. Notwithstanding anything contained in the last preceding section, the said parts of boroughs shall be deemed to continue parts of the said districts comprising the Boroughs of Melrose and Karori for the purposes of any prosecution or proceeding for any breach of any of the provisions of "The Public Health Act, 1876," or of any by-laws or regulations made thereunder by the local Boards for such districts, committed before the coming into operation of this Act.

Saving as to antecedent breaches of Act and by-laws.

PART III.

PORTIONS OF BOROUGHS OF MELROSE AND KARORI TO BE SUBJECT TO
SANITARY BY-LAWS OF THE CITY.

Parts of Melrose
and Karori to be
subject to sanitary
by-laws of city.

9. The said portions of the Boroughs of Melrose and Karori described in the *First* Schedule hereto shall be deemed to be included within the boundaries of the city, so far as may be necessary to bring the same within the operation of any by-laws for the time being in force in the city, under whatsoever Act or other authority made, and also of the provisions of any Act of the General Assembly, having respectively for their object the prevention or suppression of nuisances, or the care and safety of the public health, or having any object whatever of a sanitary nature. 5 10

PART IV.

PORTIONS OF ADJACENT DISTRICTS FORMING WATERSHED TO CITY PLACED
UNDER JURISDICTION OF WELLINGTON COUNCIL FOR CERTAIN
SANITARY PURPOSES. 15

Watershed under
jurisdiction of
Wellington Council.

10. The area of land described in the *Second* Schedule hereto, and forming portions of the Boroughs of Karori and Melrose, shall be under the jurisdiction of the Wellington Council for the purposes mentioned in the next section. 20

Wellington Council
may make by-laws.

11. The Wellington Council may make, alter, and repeal in manner provided in the said Act, all such by-laws as it shall think fit for the prevention or suppression of nuisances, and for sanitary purposes generally, within the said area; and also for preventing sewage, drainage, or other deleterious matter of any kind whatever from gravitating into the streams and watercourses that flow into or through any part of the city. 25

By-laws may relate
to parts of area.

12. Every by-law made under the last preceding section may be framed so as to apply to the whole of the said area, or to any part or parts thereof, or any stream or watercourse specified in such by-law. 30

PART V.

MISCELLANEOUS.

Parts of adjacent
districts not affected
further than neces-
sary for purposes of
this Act.

13. Nothing in this Act contained shall be deemed to include the said portions of the Boroughs of Melrose and Karori, or any part of the area described in the said *Second* Schedule, within the boundaries of the city, or subject to any city rate, or under the control or jurisdiction of the Wellington Council or Wellington Corporation, further than is necessary or proper for carrying out the purposes of this Act as hereinbefore set forth. 35

By-laws under this
Act to be in addi-
tion to local by-
laws.

14. The by-laws of the city to be in force in the said portions of the Boroughs of Melrose and Karori as aforesaid, and all by-laws made under the provisions of Part IV. hereof, shall be in addition to all by-laws of the Melrose Borough or Karori Borough or of the local authority of any district wherein any part of the area described in the said *Second* Schedule is comprised; but this section shall not authorise the punishment of any person twice for the same offence. 40 45

15. Where there shall be anything in this Act contrary to or inconsistent with the provisions of any existing Act of the General Assembly of a public nature, such last mentioned Act shall be read subject to the provisions of this Act.

Certain Acts to be read subject to this Act.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

~~The Polhill's Gully Watershed.~~

DESCRIPTION of the ~~Polhill's Gully watershed~~ lands proposed to be included within Drainage Area, and comprising "The Mitchelltown Block," "The Tinakori Watershed," "The Upland Farm Block, No. 2," and the "Section 11, Ohiro Block":—

The Mitchelltown Block commences at a point where the city boundary intersects the southern boundary of Upland Farm; thence along the said boundary in a southerly direction for a distance of 1835 links, more or less; then along a contour line situate 300ft. above high-water mark, hereinafter called "the contour line," in a south-west direction along the slopes of the hills to the south-east of Mitchelltown, for a distance measured along said contour line of 3275 links, to where it intersects Mitchelltown Gully, near house of Mr. Peers, and close to the boundary separating Sections 10 and 11, Ohiro District; thence in a north-west direction, measuring along above contour line, a distance of 650 links, more or less, to a point near a peg numbered xxviii.; thence in a north-east direction measuring along said contour line a distance of 940 links to a peg marked xxiv.; thence westerly to the intersection of a small creek, a distance along said contour line of 475 links, more or less; thence along said contour line north-easterly for a distance of 1670 links, more or less; thence westerly along said contour line, for a distance of 710 links, to the intersection of a small creek running through Mr. Mitchell's property, near bend in road to cemetery; thence generally in a northerly direction to the north-west extremity of the Distributing Basin, still following and measuring along said contour line, a distance of 640 links, more or less; thence in an easterly direction along said contour line for a distance of 1040 links, more or less; thence generally in a northerly direction along said contour line, a distance of 1645 links, more or less, to the ~~intersection of the~~ southern boundary of Section 28, Karori (Upland Farm), and the north boundary of Section 10; thence crossing into Section 28 and proceeding in a northerly direction for a distance measured along said contour line of 985 links, more or less, to the ~~intersection of a small creek~~ running through Taitville; thence in an easterly direction for a distance along said contour line of 110 links, more or less; thence generally in a southerly direction along said contour line for a distance of 1060 links, more or less, to the ~~intersection of the~~ southern boundary of above-named Section 28, Karori (Upland Farm), and the northern boundary of Section 10; thence westerly and south-westerly along said boundary a distance of 109 links to the commencing point: All of which land above described is situate in Sections No. 16, 10, and 28, Ohiro District, in the Borough of Melrose, and contains an area of 21 acres 3 roods 7 perches.

THE TINAKORI WATERSHED.

Description of the Tinakori watershed, proposed to be included within Drainage Area, consisting of land adjoining and following along the Tinakori Road, which is herein called the "Tinakori Block;" and also of land situate in Upland Farm, herein called "Upland Farm Block":—

The Tinakori Block commences at a point where the southern sides of the Wesley Road and Karori Road intersect; thence in a south-westerly direction along the south side of the Karori Road for a distance of 3556 links, more or less, and which is also along the city boundary; thence in a southerly direction on a bearing of 190 degrees and 30 minutes, and for a distance of 2150 links, more or less, along the western boundary of the Botanical Gardens Reserve, and which is also the boundary of the city; thence along a contour line situate at an elevation of 300ft. above high-water mark in a south-westerly direction, and following along the slopes of the hills on the southern side of the creek running through the Botanical Gardens for a distance of 1710 links, more or less, the said distance being measured along the said contour line until it intersects the aforesaid creek; thence across the said creek, and in a

northerly direction, measuring along the 300ft. contour line, a distance of 230 links, more or less, until the said contour line intersects a small creek running into Botanical Gardens Stream, above mentioned; thence in a north-easterly direction, still following and still measuring along above 300ft. contour line, until it intersects the southern side of the Karori Road, for a distance of 370 links, more or less; thence in a north-easterly direction, in the same manner, proceeding along the 300ft. contour line, which intersects, touches, and crosses at places the Karori Road, for a distance of 2140 links, more or less; thence in a northerly direction along above 300ft. contour line, and crossing the old Karori Road, to its eastern boundary, for a distance of 820 links along said contour line; thence generally in a north-easterly direction through Sections 1 to 12 (inclusive), which sections comprise the "Orangi Kaupapa Native Reserve," and still keeping closely to the 300ft. contour line, and measuring along it a distance of 4335 links, more or less, to the intersection with the southern boundary of Boundary Road; thence along the southern boundary of Boundary Road for a distance of 725 links, more or less, to the commencing point: all of which land above described contains an area of 17 acres 0 roods 17 perches, and comprises parts of Sections 28 and 29, Karori, and parts of Sections 1 to 12 inclusive, Orangi Kaupapa Native Reserve.

The Upland Farm Block commences at a point on the city boundary, which boundary is also the south-west boundary on the south of the Botanical Gardens, the said point being situate a distance of 960 links from the south-west corner of the Botanical Gardens Reserve; thence generally in a southern direction along a contour line situate at an elevation of 300ft. above high-water mark, hereinafter called the "contour line," for a distance of 3209 links, more or less, measured along said contour line to a peg marked xxxiv., which is close to the main branch of the creek running through Botanical Gardens; thence in a north-east direction along contour line to a peg marked xli., for a distance of 1119 links, more or less, measured along said contour line; thence southerly for a distance of 740 links, measured along said contour line, to a peg marked xlvii.; thence generally in a northern direction along said contour line and measuring along it a distance of 2050 links, more or less, to the boundary of the Botanical Gardens above described; thence along said boundary for a distance of 690 links, more or less, to the commencing point: all of which piece of land just described contains an area of 8 acres 0 roods 34 perches, more or less, and comprises part of Section 28, Karori.

THE UPLAND FARM BLOCK, No. 2.

Description of "The Upland Farm Block, No. 2": Commencing at the south-eastern corner of Upland Farm, or where a portion of the western boundary of the city intersects the abuts upon the south boundary of Section 28, Karori (Upland Farm), proceeding northerly along said city boundary for a distance of 1021 links; thence westerly on a bearing of 293 degrees 22 minutes for a distance of 34.5 links; thence south-west on a bearing of 207 degrees 10 minutes, and for a distance of 69.2 links, and again south-west on a bearing of 198 degrees 38 minutes, and for a distance of 101.7 links; thence westerly on a bearing of 249 degrees, and for a distance of 61.2 links; thence southerly on a bearing of 175 degrees 24 minutes, for a distance of 113.5 links; thence south-east on a bearing of 148 degrees 45 minutes, for a distance of 188.9 links, and again south-east on a bearing of 177 degrees 3 minutes, and for a distance of 77.7 links; thence south-west on a bearing of 237 degrees 42 minutes, for a distance of 50.6 links; thence south-west on a bearing of 211 degrees 1 minute, for a distance of 71.6 links; thence south-west on a bearing of 203 degrees 5 minutes, and for a distance of 168.3 links; thence south-west on a bearing of 208 degrees 48 minutes, and for a distance of 77.6 links; thence south-west on a bearing of 225 degrees 2 minutes, and for a distance of 109 links; and thence south-west on a bearing of 223 degrees 12 minutes, and for a distance of 56.4 links, to the intersection of the southern boundary of Upland Farm; and thence along said southern boundary for a distance of 335.8 links, to the commencing point: all of which land contains an area of 1 acre 1 rood 22 perches, and comprises part of Section 28, Karori.

And likewise that piece of land situate near to last piece above described and distant from its extreme western extremity, measured along aforesaid boundary of Upland Farm in a westerly direction 375 links; thence north-easterly on a bearing of 3 degrees 25 minutes, and for a distance of 11.4 links; thence north-east on a bearing of 63 degrees 59 minutes, and for a distance of 129.9 links; thence north-west on a bearing of 348 degrees 27 minutes, and for a distance of 52.7 links; thence

south-west on a bearing of 267 degrees 57 minutes, for a distance of 197.7 links; thence westerly on a bearing of 277 degrees 44 minutes, and for a distance of 88.2 links; thence north-west on a bearing of 335 degrees 32 minutes, and for a distance of 48.8 links; thence north-west on a bearing of 354 degrees 46 minutes, and for a distance of 41 links; thence south-west on a bearing of 217 degrees 56 minutes, and for a distance of 178.9 links, to the intersection with aforesaid southern boundary of Section 28, Karori (Upland Farm), and thence easterly along said boundary for a distance of 320.5 links to the commencing point: all of which land contains an area of 1 rood 18 perches; and the boundary lines of the last two pieces of land comprised under head of "Upland Farm Block, No. 2," follow closely a contour line of 300ft. above high water mark, and comprises part of Section 28, Karori.

SECTION 11, Ohiro Block.

Description of "Section 11, Ohiro Block": Commencing at a point situate on the northern boundary of Section No. 11, and distant from the boundary line between Town Belt and Native Reserve (Section XVA), measured along said northern boundary of Section 11, a distance of 218.6 links; thence proceeding along said boundary line of Section 11 easterly for a distance of 239.8 links; thence south-west on a bearing of 211 degrees 20 minutes for a distance of 67 links; thence south-west on a bearing of 231 degrees 59 minutes for a distance of 84.4 links; thence westerly on a bearing of 274 degrees 53.9 minutes for a distance of 90 links; thence westerly on a bearing of 257 degrees 14 minutes for a distance of 68.8 links, and again on a bearing of 256 degrees 21 minutes for a distance of 102.7 links; thence north-east on a bearing of 26 degrees 40 minutes for a distance of 49.6 links; thence north-east on a bearing of 34 degrees 13 minutes for a distance of 128.3 links, and thence north-east on a bearing of 28 degrees 56 minutes for a distance of 70.5 links to commencing point: and containing an area of 1 rood 26 perches; all of which lines follow a contour line of 300ft. above high water mark, and comprises part of Section 11, Ohiro.

SECOND SCHEDULE.

WATERSHED: of City for By-law purposes.

ALL that parcel of land in the Land District of Wellington, the boundary of which commences at the westernmost point of the common boundary of the Boroughs of Onslow and Wellington, and proceeds thence north-westerly along a spur of the Tinakori Range to the summit of the same; thence south-westerly along the said range to the Karori Road, on the crest of Baker's Hill; thence northerly and westerly along the said road to the eastern boundary of Section 34, Karori District, and along the said eastern boundary until abreast of the Karori Trig.; and thence westerly to the said Trig.; and continues thence in a southerly direction along the western Watershed of the Kaiwarra Stream, following the thence south-westerly in a straight line to the northernmost corner of the portion of Section 34, Karori, owned by the Wellington Corporation; thence south-westerly along the north-western boundary thereof to the westernmost corner thereof; thence north-westerly along the south-western boundary of Section No. 34, Karori, to the top of the ridge forming the western watershed of the Kaiwarra Stream; thence in a generally southerly direction along the said watershed round the source of the said stream; and from thence it proceeds north-easterly along the eastern watershed of the same to a point in Section 3, Upper Kaiwarra District, whence it proceeds easterly along the watershed of the Ohiro Valley and the City of Wellington, through Section 3, Upper Kaiwarra District, and Sections 13, 11, 12, and 15, Ohiro District, to the eastern boundary of the last-named section, whence it proceeds in a generally northerly direction along the western boundary of the City of Wellington to the starting point.