

## New Zealand.



### ANALYSIS.

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### 1917, No. 1.—*Local and Personal.*

AN ACT for including within the Jurisdiction of the Wellington City Council, for Water-supply, Drainage, Sanitation, and other Purposes, Part of the Hutt County situate at Day's Bay; and to enable the Wellington City Council to carry out Water, Drainage, and Sanitation Works in and for the Benefit of such Area. Title.

[27th October, 1917.]

WHEREAS the land described in the Schedule to this Act is a suburb and seaside resort adjacent to the City of Wellington: And whereas it is expedient that the Wellington City Council should construct and maintain drainage and water-supply systems for that area: Preamble.

BE IT THEREFORE 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 Day's Bay Sanitation and Water-supply Act, 1917. Short Title

2. In this Act, if not inconsistent with the context,—

“City” means the area for the time being constituting the City of Wellington: Interpretation

“Wellington Corporation” means the Corporation styled the Mayor, Councillors, and Citizens of the City of Wellington:

“ Wellington Council ” means the Wellington City Council :

“ Hutt Council ” means the Hutt County Council :

“ The said Act ” means the Municipal Corporations Act, 1908 :

“ Drainage ” includes sewerage and sewage.

Part of Hutt  
County added to the  
city for drainage and  
water purposes.

3. (1.) The area described in the Schedule hereto (hereinafter referred to as the said area) shall henceforth be within the jurisdiction of the Wellington Corporation and the Wellington Council for the purposes of drainage, waterworks, and water-supply in as full a manner as if such area were within the city ; and the Wellington Council may hereafter, in respect of the said area, exercise all or any of the powers and duties vested in or imposed on them respectively in relation to drainage, waterworks, and water-supply by the said Act as if the said area were part of the city.

(2.) The Wellington Council shall have over roads and land in the said area the same rights in respect of the construction of drainage-works and waterworks as it has over streets and land in the city, as if such roads were streets in the city and such lands were situate in the city.

Application of  
by-laws of the city.

4. (1.) The said area and every person therein, and every person owning or occupying land therein, shall, for the purposes of this Act, be subject to all by-laws for the time being in force in the City of Wellington relating to waterworks and water-supply, to drainage and drains (whether public or private), to the prevention or suppression of nuisances, and to the care and preservation of public health, whether such by-laws are made under the said Act or any other public Act enabling the Wellington Corporation or the Wellington Council in that behalf.

Power to make,  
alter, and repeal  
by-laws.

(2.) The Wellington Council, in manner provided by and subject to the provisions of the said Act, may make, alter, and repeal such by-laws as it shall think fit relating to waterworks and water-supply, to drainage and drains (whether public or private), to the prevention or suppression of nuisances, and to the care and preservation of public health, and for general sanitary purposes, with special regard to the said area, and for preventing any stream or watercourse in the said area from being polluted or infected by sewage or any deleterious or offensive matter.

By-laws of the  
Wellington City  
Council to be in  
addition to the  
by-laws of the Hutt  
County.

(3.) The by-laws of the Wellington Corporation brought into force in the said area by virtue of this Act shall be in addition to all by-laws for the time being of the Hutt County, but this section shall not authorize the punishment of any person twice for the same offence ; and in case of conflict of the by-laws of the Wellington Corporation and the by-laws of the Hutt County in respect of matters relating to which by-laws may be made under this Act the by-laws of the Wellington Corporation shall prevail.

Certain provisions  
of Municipal  
Corporations Act as  
to by-laws to apply.

(4.) The provisions of sections three hundred and forty-six, three hundred and forty-eight, three hundred and forty-nine, three hundred and fifty, three hundred and fifty-one, three hundred and fifty-three, three hundred and fifty-four, three hundred and fifty-five, and of paragraph (a) of section three hundred and forty-seven of the Municipal Corporations Act, 1908, shall apply to all by-laws made by the Wellington Council under this Act.

Application of Local  
Bodies' Loans Act.

5. So far as regards loans for the construction by the Wellington Council of drainage-works and waterworks under and for the purposes

of this Act, the provisions of the Local Bodies' Loans Act, 1913, shall be applicable in respect of the said area, subject as follows:—

(a.) The said area shall be deemed to be and form part of the City of Wellington.

(b.) The Wellington Council is hereby constituted the local authority in such district, and, as such local authority, may for the purpose of such drainage-works and waterworks raise special loans, and make and levy special rates, and carry out all powers, duties, and authorities conferred by that Act on a local authority as if the said area were part of the Wellington City.

(c.) Notwithstanding anything contained in subsection three of section three of the Local Bodies' Loans Act, 1913, or any regulations made thereunder, all rateable land within the said area shall be subject to all special rates made and levied in respect of the special loans raised under this Act; and no person shall be entitled to object to his name being included in any special roll to be prepared under such subsection in respect of any poll or any proposed special loan under this Act either on the ground that his property will not be benefited or on the ground that his property will be only partially benefited by the expenditure of the proposed loan.

6. The Wellington Council may apply the proceeds of any special rate made and levied in respect of any special loan for drainage-works authorized by this Act, after payment out of such proceeds of interest, sinking fund, and other charges, towards the payment of the cost of administration by such Council of the provisions of this Act relating to drainage-works.

Payment of costs of administration

7. The Wellington Council may make and levy as a separate drainage rate a rate on all rateable property in the said area, to cover—

Power to make and levy separate rate for maintenance, &c. of drainage-works.

(a.) The cost of administration of the provisions of this Act relating to drainage-works, so far as such cost is not met by any surplus of special rates applicable thereto as hereinbefore provided:

(b.) The cost of repair, maintenance, and renewal of drainage and drainage-works constructed under this Act.

8. The Wellington Council may apply the proceeds of any special rate made or levied under this Act in respect of waterworks or water-supply, after payment thereof of interest, sinking fund, and other charges, towards the payment of the cost of the administration by such Council of the provisions of this Act relating to waterworks or water-supply.

Payment of cost of administration of waterworks.

9. (1.) The Council shall, after a water-supply system is installed, make and levy in the said area, and all property in the said area shall be subject to, the same water rates and charges as are made and levied in the parts of the city that are supplied by the ordinary gravitation system of the city.

Power to make and levy water rates.

(2.) There shall be payable out of the proceeds of the water rates and charges so made and levied—

(a.) The cost of administration of the provisions of this Act relating to waterworks or water-supply:

(b.) The interest, sinking fund, and other charges of all loans raised under this Act for waterworks or water-supply.

(3.) The balance (if any) shall be devoted to the purposes of this Act.

(4.) So long as the proceeds of the water rates and charges made and levied under this Act shall be sufficient to meet the charges under paragraphs (a) and (b) of subsection two of this section no special rate shall be collected in respect of any loan for waterworks or water-supply under this Act.

System of rating.

10. All rates made and levied under this Act shall be made and levied on the system for the time being in force in the City of Wellington.

Payment of cost of preparation of Act and ineffective loan proposals.

11. (1.) The Wellington Corporation shall, out of the proceeds of the first loan for drainage purposes raised under this Act, pay all costs, charges, and expenses incurred by the Wellington Council or the Hutt Council in connection with the preparation of this Act and the passing of the same through Parliament.

Effect of rejection of either of loan proposals.

(2.) If the voters entitled to vote in respect of the raising of special loans under this Act shall refuse to authorize either the first loan proposed for drainage-works or the first loan proposed for waterworks, then this Act shall be void and of no effect; and the Hutt Council shall pay to the Wellington Council all moneys expended by the Wellington Council in connection with the preparation of this Act and the passing of the same through Parliament, and all costs and expenses incurred by the Wellington Council in connection with the taking of polls for loans under this Act.

Claim of Wellington Council against Hutt Council under this section to be taxed.

(3.) If the Wellington Council shall claim against the Hutt Council under this section for payment of moneys expended by the Wellington Council in connection with the preparation of this Act and the passing of the same through Parliament, and of the costs and expenses incurred by the Wellington Council in connection with the taking of polls for loans under this Act, such claim shall be made in writing, and shall set out in reasonable detail the several charges making up the amount thereof, and shall be taxed by the Registrar of the Supreme Court at Wellington on the application of either the Wellington Council or the Hutt Council; and the allocatur of such Registrar shall be sufficient authority to the Hutt Council to collect as hereinafter mentioned the amount thereby allowed from the ratepayers in the said area.

The allocatur of the Registrar is authority to Hutt Council to make payments.

Amount allowed by Registrar, with cost of collection charged on the said area, to be collected as a rate.

12. (1.) The amount allowed by the Registrar as aforesaid, together with the cost of collecting the same, shall be a charge payable by means of a rate upon the rateable property within the said area; and on receipt of the allocatur of the Registrar the Hutt Council shall forthwith by resolution make and levy on all rateable property within the said area and on the basis of the unimproved value thereof such a rate as will return to the Hutt Council such amount with five pounds per centum thereon added thereto for the costs of collection.

(2.) Such rate shall be payable in one or more sums on the day or days named in the resolution aforesaid.

(3.) Such resolution shall state such rate to be an amount in the pound on the rateable values of the rateable property in the said area as appearing in the valuation roll for the time being in force in the Hutt County.

(4.) Such rate shall have all the incidents of a rate made under Part V of the Counties Act, 1908; but it shall not be necessary for the Hutt County to give any public notification pursuant to section fifty of the Rating Act, 1908.

13. (1.) All fines imposed by any by-laws made under this Act may be recovered in a summary manner under the Justices of the Peace Act, 1908. Fines to be recovered summarily and paid to Wellington District Fund.

(2.) The Clerk or other proper officer of the Court in which any such fines are recovered shall pay the same into the District Fund of the Wellington Corporation at the same time and in the same manner as fines are so payable under the said Act.

14. Nothing in this Act contained shall be deemed to include the said area or any part thereof within the jurisdiction of the Wellington Corporation or the Wellington Council further than is necessary for carrying out the purposes of this Act as hereinbefore set forth. Area not affected further than necessary for purposes of Act.

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

### SCHEDULE.

### Schedule.

ALL that piece of land, containing by admeasurement one hundred and one (101) acres, more or less, situate in the Land District of Wellington, being part of Sections Thirty-one (31) and Thirty-three (33), Block XVI, Belmont Survey District. Bounded as follows: Towards the south by a line commencing at the point where the north boundary of Section Thirty-seven (37) of the said block meets high-water mark, for a distance of about one thousand one hundred and seventy-eight (1178) links, on a bearing of one hundred and twenty-three degrees twenty-one minutes ( $123^{\circ} 21'$ ); thence by a line for a distance of seven hundred and seventy-one and five-tenths ( $771\cdot5$ ) links, on a bearing of one hundred and eleven degrees sixteen minutes thirty seconds ( $111^{\circ} 16' 30''$ ); towards the east and north by lines having the following distances and bearings—eighty-eight and eight-tenths ( $88\cdot8$ ) links, thirty-nine degrees forty-seven minutes ( $39^{\circ} 47'$ ); seven hundred and eighty-two and seven-tenths ( $782\cdot7$ ) links, fifty degrees thirty-one minutes ( $50^{\circ} 31'$ ); nine and nine-tenths ( $9\cdot9$ ) links, one hundred and seventy-seven degrees fifteen minutes thirty seconds ( $177^{\circ} 15' 30''$ ); one hundred (100) links, eighty-seven degrees fifteen minutes thirty seconds ( $87^{\circ} 15' 30''$ ); ninety-four and nine-tenths ( $94\cdot9$ ) links, three hundred and fifty-seven degrees fifteen minutes thirty seconds ( $357^{\circ} 15' 30''$ ); three hundred and ten and eight-tenths ( $310\cdot8$ ) links, one hundred and two degrees twenty-three minutes thirty seconds ( $102^{\circ} 23' 30''$ ); six hundred and thirty-two and one-tenth ( $632\cdot1$ ) links, three hundred and fifty-seven degrees thirteen minutes forty-five seconds ( $357^{\circ} 13' 45''$ ); seventy-six and one-tenth ( $76\cdot1$ ) links, fifty-two degrees forty-eight minutes ( $52^{\circ} 48'$ ); five hundred and twenty-two and nine-tenths ( $522\cdot9$ ) links, seventy-seven degrees twenty-four minutes thirty seconds ( $77^{\circ} 24' 30''$ ); four hundred (400) links, three hundred and forty-seven degrees fourteen minutes ( $347^{\circ} 14'$ ); one thousand and five and two-tenths ( $1005\cdot2$ ) links, thirteen degrees twenty minutes thirty seconds ( $13^{\circ} 20' 30''$ ); five hundred and ninety and six-tenths ( $590\cdot6$ ) links, thirteen degrees thirty-two minutes thirty seconds ( $13^{\circ} 32' 30''$ ); two hundred and fifty (250) links, two hundred and eighty-three degrees thirty-two minutes thirty seconds ( $283^{\circ} 32' 30''$ ); seventy-one and one-tenth ( $71\cdot1$ ) links, thirteen degrees thirty-two minutes thirty seconds ( $13^{\circ} 32' 30''$ ); one hundred (100) links, two hundred and eighty-three degrees thirty-two minutes thirty seconds ( $283^{\circ} 32' 30''$ ); two hundred and twenty-seven and nine-tenths ( $227\cdot9$ ) links, thirteen degrees thirty-two minutes thirty seconds ( $13^{\circ} 32' 30''$ ); thirty-two and five-tenths ( $32\cdot5$ ) links, three hundred and twenty-three degrees thirty-two minutes six seconds ( $323^{\circ} 32' 6''$ ); one hundred and thirty and four-tenths ( $130\cdot4$ ) links, two hundred and eighty-three degrees thirty-two minutes thirty seconds ( $283^{\circ} 32' 30''$ ); two hundred

and thirty-two and two-tenths (232.2) links, two hundred and sixty-five degrees thirty-nine minutes (265° 39'); four hundred and thirty-four and six-tenths (434.6) links, two hundred and ninety-six degrees twenty-one minutes (296° 21'); two hundred and twenty-nine and one-tenth (229.1) links, three hundred and one degrees twenty-two minutes (301° 22'); four hundred and fifty-one and nine-tenths (451.9) links, three hundred and thirty-three degrees eleven minutes thirty seconds (333° 11' 30"); two hundred and ninety-five and five-tenths (295.5) links, three hundred and fifteen degrees twenty-two minutes thirty seconds (315° 22' 30"); one hundred and twelve and nine-tenths (112.9) links, eighty-one degrees thirty-eight minutes (81° 38'); seventy-six and eight-tenths (76.8) links, thirty degrees twenty-six minutes twenty-five seconds (30° 26' 25"); ninety-six and two-tenths (96.2) links, three hundred and forty degrees one minute forty seconds (340° 1' 40"); two hundred and twenty-three and one-tenth (223.1) links, forty-three degrees forty-two minutes (43° 42'); two hundred and thirty-seven and four-tenths (237.4) links, two hundred and eighty-seven degrees twenty-four minutes (287° 24'); two hundred and seventy-eight (278) links, two hundred and fifty-two degrees seventeen minutes (252° 17'); two hundred and forty-two (242) links, two hundred and eighty-seven degrees fifty-nine minutes twenty seconds (287° 59' 20"); two hundred and eighty-six and six-tenths (286.6) links, two hundred and seventy degrees twenty-eight minutes (270° 28'); one hundred and ninety-one and nine-tenths (191.9) links, thirty-four degrees forty-four minutes twenty-three seconds (34° 44' 23"); about seven hundred (700) links to high-water mark, three hundred and five degrees forty-two minutes (305° 42'): and towards the west by high-water mark to the point of commencement.

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