

Mr. McKeen.

WELLINGTON CITY EMPOWERING AND AMENDMENT.

[LOCAL BILL.]

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A BILL INTITULED

AN ACT to confer Additional Powers on the City of Wellington.

Title.

BE IT 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 Wellington City Empowering and Amendment Act, 1926.

Short Title.

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

Interpretation.

“City” means the City of Wellington:

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

“Council” means the Wellington City Council.

Struck out.

3. So far and so far only as it relates to the city, section one hundred and eighty-nine of the Municipal Corporations Act, 1920, is hereby varied as follows:—

(a.) For the words “thirty-three feet” in the fourth line of subsection one there shall be substituted the words “fifty feet or less”:

(b.) For the words “sixty-six feet” in line three of subsection two there shall be substituted the words “one hundred feet or less.”

New.

3A. (1.) The Council may from time to time make by-laws requiring that when new buildings are erected, or any buildings are rebuilt or re-erected, or are substantially rebuilt or re-erected, such buildings shall not stand within fifty feet or less from the middle line of any street or private street specified in the by-law.

Variation of section 189 of the Municipal Corporations Act, 1920, for the City of Wellington.

(2.) In the alternative, the Council may from time to time make by-laws requiring that any such buildings on one side of a street or private street shall not stand within one hundred feet or less from the opposite side line of the street or private street.

(3.) Any such by-law may prohibit the adoption of any methods or devices for evading the spirit of this section. 5

(4.) Every person having any estate or interest in any land on which the erection, rebuilding or re-erection, or the substantial rebuilding or re-erection of buildings is forbidden by the operation of any such by-law shall be entitled to full compensation, to be ascertained by a Compensation Court, under the Public Works Act, 1908, for his interest in the land so affected if and when the land so restricted in use, being then without any building thereon above the level of the ground, has been by transfer or conveyance dedicated for street purposes to the Corporation for the whole interest of the claimant; and such claim shall be made only by the person lawfully making such dedication. 10 15

(5.) If the Corporation at any time takes under the Public Works Act, 1908, for street-widening or other purposes any land subject to any restriction imposed by any by-law, every person having any estate or interest in the land so taken shall have a claim in respect of such taking, but shall have no claim under the provisions of this Act. 20

(6.) In assessing compensation in respect of any claim made in respect of land under the provisions of this section, or in respect of land taken for street-widening or other street purposes in the city, the Compensation Court shall take into consideration the necessity for or advantage of affording greater street space and the betterment accruing to the whole of the adjoining property of the claimant, and such betterment shall be set off against the compensation claimed. 25

(7.) The powers conferred by this section are additional to those conferred by section one hundred and eighty-nine of the Municipal Corporations Act, 1920. 30

Power to construct wharf on and adjacent to recreation-ground at Island Bay.

4. (1.) The Corporation may construct a wharf, and all accessories thereto, and approaches thereto, on the recreation-ground at Island Bay comprised in certificates of title, Volume 158, folios 256 and 257, and in the sea, in a position approved by the Minister of Marine. 35

(2.) (a.) The said wharf, and all accessories thereto, and all works constructed in connection therewith, shall vest in and be the property of the Corporation.

(b.) The said wharf when constructed shall be used only for fishing-vessels and pleasure-boats, and no other class of vessel shall be entitled to make any use whatsoever of the same. 40

(c.) The said wharf when constructed shall not be used for the landing from or placing on board of any fishing-vessel or pleasure-boat of any goods other than fish or fuel or stores to be used for the sole use of such fishing-vessel or pleasure-boat. 45

(3.) The Council may, *subject as herein provided*, make, in manner prescribed by the provisions of the Municipal Corporations Act, 1920, such by-laws as it thinks fit for the purpose of—

(a.) Regulating the use of the wharf, and all landing-stages and landing-places in connection therewith, and all accessories thereto, and generally regulating the traffic on the same: 5

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(b.) Prescribing and fixing scales of dues, tolls, and charges to be paid for the use of the said wharf, and all landing-stages and landing-places in connection therewith, and all accessories thereto, and all approaches thereto, and for labour supplied or services rendered in connection with or on goods passing over the same.

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(4.) The Corporation shall, subject as herein provided, have in respect of the control, management, renewal, maintenance, and repair of the said wharf, and all landing-stages and landing-places in connection therewith, and all accessories thereto, and all approaches thereto, and the imposition and collection of dues, tolls, and charges in respect thereof, all the powers conferred on Harbour Boards by the Harbours Act, 1923.

5. The fees fixed by the Council and by any other local authorities to operate within the Highway District No. 11 as defined in the Motor-lorry Regulations, 1925, in respect of heavy traffic under the Wellington City Heavy Traffic By-law, 1926, from and on the first day of April, nineteen hundred and twenty-six, shall be retrospective, and shall apply as if such by-law had been in operation on the thirty-first day of March, nineteen hundred and twenty-five; and any person who for the year ending the thirty-first day of March, nineteen hundred and twenty-six, paid a fee in excess of that prescribed under the said by-law shall be entitled to a refund of the difference between the fee so paid and the fee prescribed by the said by-law.

Fees under Wellington City Heavy Traffic By-law, 1926 to be retrospective for year 1925-26.

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6. Section 12 of the Wellington City Empowering and Amendment Act, 1924, is hereby amended by repealing the words "Provided that the question of making a charge for admission to the said Zoological Gardens on Sunday shall first be submitted to a poll of the electors of the City of Wellington, and until a poll in favour of such a charge being made is carried no by-law imposing such a charge shall be made. Every such poll shall be taken in manner provided by the Local Elections and Polls Act, 1908."

Section 12 of the Wellington City Empowering and Amendment Act, 1924, amended.

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