

New Zealand.

## ANALYSIS.

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1912, No. 17.—*Local.*

Title.

AN ACT for including within the Jurisdiction of the Wellington City Council, for Water-supply, Drainage, Sanitation, and other Purposes, Part of the Borough of Karori, situate in the Watershed of the Kaiwarra Stream; and to enable the Wellington City Council to carry out Water, Drainage, and Sanitation Works in and for the Benefit of such Area.

[26th October, 1912.]

Preamble.

WHEREAS the land described in the Schedule to this Act is within the watershed of the Kaiwarra Stream, in the Borough of Karori: And whereas a large part of the remainder of the land in such watershed, and lying between the land described in the said Schedule and Wellington Harbour, is within the City of Wellington: And whereas the land described in the Schedule to this Act can be drained with the least expense if the appropriate drainage and sanitary works are carried out in conjunction with that part of the said watershed which is within the City of Wellington: And whereas it is expedient for the purpose of such drainage and sanitary works and for other reasons that the water-supply system of the City of Wellington should be extended to the land described in the Schedule to this Act:

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 Wellington and Karori Sanitation and Water-supply Act, 1912. Short Title.

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

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

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

“Wellington Council” means the Wellington City Council :

“Karori Council” means the Karori Borough Council :

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

“Drainage” includes sewerage and sewage :

“The districts of Wadestown and Northland” are those parts of the City of Wellington formerly parts of the Boroughs of Onslow and Karori that were included in such city by Orders in Council published in the *Gazette* on the twenty-first day of March, nineteen hundred and seven, the twenty-third day of October, nineteen hundred and seven, and the ninth day of April, nineteen hundred and eight ; excepting thereout the portions of land defined in the First Schedule to the Wellington (City) Suburbs Sanitation Act, 1893, that were formerly comprised in the Borough of Karori.

3. 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.

Part of the Borough of Karori added to the city for drainage and water purposes.

4. (1.) The said area and every person therein, and every person owning or occupying land therein, shall be subject to all by-laws for the time being 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 Wellington Council in that behalf.

Application of by-laws of the city.

(2.) The Wellington Council, in manner provided 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

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

area from being polluted or infected by sewage or any deleterious or offensive matter.

By-laws of the Wellington Council to be in addition to by-laws of Karori Council.

(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 Borough of Karori, 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 Borough of Karori in respect of matters relating to which by-laws may be made under this Act, the by-laws of the Wellington Corporation shall prevail.

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 of drainage-works and waterworks, and so far only, the provisions of the Local Bodies' Loans Act, 1908, 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, 1908, 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 on 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.

Payment of cost of administration.

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.

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

7. The Wellington Council may make and levy as a separate drainage rate a rate, not exceeding a rate equal to one penny in the

pound on the unimproved value of all rateable property in the said area, to cover—

(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. (1.) The drainage-works within the said area shall be constructed in connection with the drainage-system of the city constructed or to be constructed for the drainage of the districts of Wadestown and Northland.

Drainage-system to be in connection with Wadestown and Northland system.

(2.) There shall be payable out of the proceeds of the first special loan raised for drainage-works under this Act the sum of fifteen hundred pounds, or such less sum as the Engineer of the Wellington Corporation shall fix, by way of contribution to the cost of all common drains and common drainage-works used for draining the said area and the districts of Wadestown and Northland, or any parts thereof, or any other area.

Contribution to cost of common drains and common drainage-works.

(3.) There shall also be payable out of the proceeds of the same loan to the owners of the Evelyn Estate such sum as the Engineer of the Wellington Corporation assesses as the value of the public drains constructed and laid by the said owners that are suitable and available for use in connection with the proposed drainage-works.

9. 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.

10. (1.) The Council shall, after the first day of April, nineteen hundred and fourteen, 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 districts of Wadestown and Northland that are supplied by any system of water-supply other than 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 ; the balance (if any) shall be deemed to be moneys of the city accruing from waterworks.

(3.) 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.

11. 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.

12. (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 Karori Council in connection with the preparation of this Act and the passing of the same through Parliament.

(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 water-works, then this Act shall be void and of no effect, and the Karori 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.

Fines to be re-covered summarily, and to be paid to Wellington District Fund.

13. (1.) All fines imposed by any by-law made under this Act may be recovered in a summary manner under the Justices of the Peace Act, 1908.

(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.

Area not affected further than necessary for purposes of 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.

Public Acts to be read subject to this 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.

Schedule.

### SCHEDULE.

ALL that area in the Borough of Karori containing by admeasurement 325 acres, more or less, and bounded as follows: Starting at the south-east corner of Section 11, on a plan deposited in the Lands Registry Office, at Wellington, as No. 2050: towards the west by the eastern side-line of the said Section 11 to its intersection with the eastern side-line of Macdonald Street: thence generally towards the west by the said eastern side-line of Macdonald Street to its intersection with the south side-line of Wallace Street: thence at right angles across Wallace Street to the north side thereof: thence towards the south by the northern side-line of Wallace Street to its intersection with the eastern side-line of Lancaster Street: thence towards the west by the eastern side-line of Lancaster Street to its intersection with the south side-line of the main Karori Road: thence diagonally across the main Karori Road to a point on the northern side-line thereof, situate 200 links, measured along the said northern side-line, from the south-east corner of the land shown on a plan deposited in the Lands Registry Office, at Wellington, as No. A/663: thence towards the west and north by lines bearing  $339^{\circ} 54' 30''$ , 250 links;  $69^{\circ} 54' 30''$ , 200 links;  $339^{\circ} 54' 30''$ , 206.5 links;  $69^{\circ} 51' 30''$ , 148.4 links, to the western side-line of

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Homewood Avenue: thence towards the east by the western side-line of Homewood Avenue to the south-east corner of land shown on a plan deposited in the Lands Registry Office, at Wellington, as No. A/915: thence towards the south-west and north by the southern, western, and northern side-lines of the same land to the north-east corner thereof on the western side-line of Homewood Avenue: thence generally towards the west by lines bearing  $313^{\circ} 19'$ , 56.68 links;  $299^{\circ} 40'$ , 156.55 links;  $313^{\circ} 23'$ , 779.76 links;  $271^{\circ} 51'$ , 277.4 links;  $323^{\circ} 28'$ , 63.4 links;  $299^{\circ} 58'$ , 841.59 links;  $10^{\circ} 33'$ , 3514.9 links, to the south-west corner of Section 56, Karori: thence towards the north by the southern boundary of the said Section 56 and of the Otari Native Reserve to its intersection with the Kaiwarra Stream: thence towards the east by the Kaiwarra Stream to its intersection with the northern boundary of the Wellington City Corporation's Karori Waterworks Reserve: thence generally towards the south by the said northern boundary of the Waterworks Reserve to the starting-point.