

New Zealand.

ANALYSIS.

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1927, No. 4.—*Local and Personal.*

AN ACT to confer Additional Powers on the City of Wellington, and to amend the Wellington City Empowering and Amendment Act, 1924. Title.
[21st September, 1927.]

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, 1927. Short Title.

2. In this Act, if not inconsistent with the context,—
“Corporation” means the Corporation of the Mayor, Councillors, and Citizens of the City of Wellington: Definitions.

“Council” means the Wellington City Council.

3. (1) The island situate off Island Bay, in the City of Wellington, known as Taputeranga, or Reef Islet, and described in the Schedule hereto, shall cease to be a domain under the Public Reserves and Domains Act, 1908, and is hereby vested in the Corporation for an estate in fee-simple for the purposes of this Act, and as a pleasure-ground under Part XXVIII of the Municipal Corporations Act, 1920. Vesting of island at Island Bay in Corporation.

(2) The foreshore of the island referred to in the last preceding subsection is also hereby vested in the Corporation in trust for the purposes of this Act, but for no other purposes.

4. (1) The Council may on the said island or on the foreshore thereof or the land below low-water mark adjacent thereto construct such wharves, slipways, landing-stages, and landing-places, and all accessories and approaches thereto, as the Council thinks necessary Power to construct wharves, slipways, aerial conveyors, incinerators, and works for the disposal of fish-offal.

for the purposes of the fishing industry carried on in and around Island Bay, and may also construct on the said island such incinerators, destructors, or other means for destroying fish-offal, and may construct works for the manufacture of manure from fish-offal on the said island, and may construct such other slipways, tramways, aerial conveyors, and mechanical devices for transport of goods and passengers from the said island to the mainland, and such chutes, elevators, and incidental works in connection therewith, as the Council thinks fit, and may construct a bridge connecting the said island with the mainland :

Provided that nothing herein shall restrict the application of the provisions of the Harbours Act, 1923, relating to works constructed or to be constructed in, on, over, or across tidal lands and tidal waters or the bed of the sea below low-water mark.

(2) (a) All works constructed under the provisions of subsection one of this section shall vest in and be the property of the Corporation.

(b) The said wharves, slipways, landing-stages, landing-places, accessories, and approaches thereto shall be used only for vessels solely employed in fishing and pleasure-boats, and no other class of vessel shall make any use whatsoever of the same.

(c) The said wharves, slipways, landing-stages, landing-places, accessories, and approaches thereto when constructed shall not be used for the landing from or placing on board any such 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.

(3) The Council may, subject as herein provided, and subject also to the consent in writing of the Minister of Marine, make, in manner prescribed by the provisions of the Municipal Corporations Act, 1920, such by-laws as it thinks fit for the purposes of—

(a) Regulating the use of any wharf or slipway, or any landing-stage or landing-place, or any accessories thereto, constructed under the provisions of this Act, and generally regulating the traffic on same :

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

(c) Prohibiting the landing of vessels and boats on defined portions of the foreshore or mainland at Island Bay ; and regulating the use of the waters of the sea lying within a distance of seven hundred yards of the said island :

(d) Regulating the use of any incinerator or works for the disposal of offal, or the use of any aerial conveyor or mechanical device for transport of goods and persons to or from the said island, and fixing scales of charges to be paid to the Council for the use thereof.

5. Section six of the Wellington City Empowering and Amendment Act, 1924, is hereby amended by repealing the whole of the words in the said section down to the end of paragraph (a), and substituting therefor the words,—

Amendment of section 6 of the Wellington City Empowering and Amendment Act, 1924.

“For the purpose of constructing any new street, or of widening, diverting, altering the course of, or extending any street in the city, and in connection with any works so carried out, the Council shall have the following powers :—

“(a) To take under the Public Works Act, 1908, or purchase, or otherwise acquire, the land required for constructing any such new street, or for widening, diverting, altering the course of, or extending any street, together with any land to any depth on either or both of the sides of any such street, or on any such extension of street, or on any such proposed new street.”

6. Whereas for the purpose of subdividing Allotment 22 on a plan of the Township of Kilbirnie, deposited in the Lands Registry Office at Wellington as Number 65, Edward Herbert Fisher, of the City of Wellington, clerk, did, pursuant to the provisions of section one hundred and seventeen of the Public Works Act, 1905, for the purpose of widening Overtoun Terrace, a street abutting on the said allotment, by memorandum of transfer dated the fifteenth day of June, nineteen hundred and six, dedicate the land coloured pink on a plan deposited in the Lands Registry Office at Wellington as Number 1739, containing three decimal forty-six perches, more or less : And whereas the land so dedicated fronting the said street is not required for street-widening : And whereas a dwellinghouse is erected partly on the land so dedicated fronting the said street : And whereas the lots on the said deposited plan Number 1739 fronting the said street, part of the balance of the said allotment, have after such dedication been acquired by certain persons (hereinafter referred to as “the registered proprietors”) as follows :—

Annuling compulsory dedication for street-widening at Overtoun Terrace, Kilbirnie, Wellington.

- (i) Robert Cornelius Scanlan, of the City of Wellington, traveller—part Lot 5, and also one undivided moiety in part Lot 6, as shown on certificates of title, Volume 176, folio 52, and Volume 153, folio 277, Wellington Registry :
- (ii) Olivia Beatrice Rennie, of the City of Wellington, widow—part Lot 6, and also one undivided moiety in other part of said Lot 6, as shown on certificate of title, Volume 176, folio 53, Wellington Registry :
- (iii) William Josiah Mitchinson, of the City of Wellington, warehouseman—part Lot 7, as shown on certificate of title, Volume 159, folio 58, Wellington Registry :
- (iv) Theodore Albert Alfred Parker, of the City of Wellington, butcher—part Lot 8, as shown on certificate of title, Volume 153, folio 279, Wellington Registry :

And whereas the said registered proprietors have requested that the land so dedicated should be vested in the registered proprietors upon the conditions hereinafter appearing, as if the side boundaries of the respective holdings of the said registered proprietors had been extended to meet Overtoun Terrace as such street existed before the said

dedication, and as if such holdings so extended had been vested in the said registered proprietors for the estate for which their present holdings are now vested in them respectively: Be it therefore enacted as follows:—

(1) The land dedicated as aforesaid shall vest in the said registered proprietors respectively as if the side boundaries of the said holdings had been extended to meet Overtoun Terrace as it existed before the said dedication, and as if such holdings so extended had been transferred to the said registered proprietors.

(2) The District Land Registrar at Wellington is hereby authorized to issue a title for each such extended holding, subject to the encumbrances particularly affecting each such holding shown on certificates of title, Volume 176, folio 52; Volume 153, folio 277; Volume 176, folio 53; Volume 159, folio 58; and Volume 153, folio 279.

(3) The provisions of section one hundred and seventeen of the Public Works Act, 1908, shall not apply to the portion of Overtoun Terrace fronting the said holdings, subject to this condition: that no building shall be erected on such of the said holdings as front Overtoun Terrace within thirty-three feet of the centre-line of Overtoun Terrace.

(4) The District Land Registrar is authorized to register the provisions of this Act as to non-application of section one hundred and seventeen of the Public Works Act, 1908, and the said condition, against all lands affected, as if resolutions in that behalf had been passed by the Wellington City Council, and such condition had been attached by the Governor-General, by an Order in Council under section one hundred and seventeen of the Public Works Act, 1908, to his approval of the resolution in respect of Overtoun Terrace of the Wellington City Council.

(5) All dealings registered before new titles are issued under this Act affecting the said holdings shall affect the said holdings extended as aforesaid.

(6) The District Land Registrar may call in for correction, and correct, in accordance with the provisions of this section all instruments of title affecting the said Lots 5 to 8 inclusive.

7. Section four of the Wellington City Empowering Act, 1926, is hereby repealed.

Repeal.

Schedule.

SCHEDULE.

ALL that land in the Wellington Land District, containing by admeasurement 8 acres, more or less, being an irregularly shaped island in Island Bay, Block XIII, Port Nicholson Survey District, and bounded on all sides by the sea: as the same is more particularly delineated on Plan No. 132/10, deposited in the office of the Chief Surveyor, Wellington Land District.